
Wednesday
July 23, 1980

Federal Register

Highlights

- 49085 Identification of Subjects in Agency Regulations** Administrative Committee of the Federal Register issues a date change for the proposed rule on new requirements; comments by 9-8-80
- 49228 Grants—Social Programs** HHS/HDSO announces that applications for research and demonstration grants and cooperative agreements are being accepted; apply by 9-8-80 (Part III of this issue)
- 49165 Grant Programs—Health** HHS/PHS announces availability of funds for cooperative agreements to assist States in developing, implementing, and managing Nutrition Surveillance Systems; first application deadline 10-31-80
- 49125 Grant Programs—Energy** DOE gives notice of program solicitation to stimulate energy production and efficiency among American Indians; effective 7-18-80; apply by 8-25-80
- 49085 Milk** USDA/CCC proposes terms and conditions for 1980-81 price support program; comments by 8-18-80
- 49083 Fishing Vessels** Commerce/NOAA amends Fishing Vessel Obligation Guarantee Program; effective 7-23-80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 260, Amdt. 2]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 13-19, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The amendment is effective for the period July 13-19, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979-80 which was designated significant under the procedures of Executive Order 12044.

The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again on July 17, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports continued good order business for lemons.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), and this amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

§ 910.560 [Amended]

Paragraph (a) of § 910.560 *Lemon Regulation 260* (45 FR 46786; 45 FR 48100) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period July 13, 1980, through July 19, 1980, is established at 310,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 17, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-22030 Filed 7-22-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

[Docket No. RM 80-33; Order No. 93]

Rules Generally Applicable to Regulated Sales of Natural Gas

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations that implement certain sections of Subpart B of Part 270 of the Natural Gas Policy Act of 1978. In this rulemaking, the Commission revokes interim regulation § 270.201. That section established a single maximum lawful price for a first sale, sold at a single price, of commingled volumes of natural gas to which different maximum lawful prices are applicable. Section 270.202 has been amended and promulgated as a final regulation and provides rules for resales of natural gas, regarding maximum lawful prices, interim collections, production-related costs, certain state taxes, adjustments, percentage-of-proceeds sales, and record retention. Finally, the Commission has amended interim regulation § 270.204, regarding Btu content-per-unit volume of natural gas, and issued it as a final regulation.

EFFECTIVE DATE: August 18, 1980.

FOR FURTHER INFORMATION CONTACT: Jeffrey H. Fink, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8111, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8460; or

Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, Room 4308-E, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8114

I. Background

On December 1, 1978, the Federal Energy Regulatory Commission (Commission) issued interim regulations (43 FR 56448, December 1, 1978) implementing certain sections of the Natural Gas Policy Act of 1978 (NGPA),

15 U.S.C. 3301-3432, including Subpart B of Part 270 which prescribes special rules relating to first sales of natural gas. On January 18, 1980, the Commission amended the interim rules in Subpart B to include provisions for percentage-of-proceeds sales. (Order No. 68, issued in Docket No. RM80-14, 45 FR 5678, January 24, 1980.)

This final rule addresses the following sections of Subpart B of Part 270: Section 270.201, which deals with first sales of commingled gas; § 270.202, which prescribes rules for resellers of natural gas; and § 270.204, which describes a standard method of determining the Btu content per unit volume of gas sold under the NGPA. The rule addresses comments concerning the December 1 interim rules as well as requests for clarification of Order No. 68 as it relates to percentage-of-proceeds sales. The remaining portions of Subpart B (§§ 270.203, 270.205, and 270.206) have been addressed in separate rulemakings and will not be considered here.

II. Summary of Comments and Revisions

A. Section 270.201.

Under the interim regulations, § 270.201 provided that the maximum lawful price for a first sale of natural gas that is sold at a single price but that is comprised of volumes of natural gas subject to different maximum lawful prices shall be the average of the maximum lawful prices weighted according to the respective volumes of gas subject to those different maximum lawful prices. The interim rule, in other words, provided a method for ascertaining a single maximum lawful price for a first sale of commingled gas, components of which were subject to different maximum lawful prices, and implicitly allowed a single contract price to be charged and collected in such a sale.

The Commission received comments which expressed confusion regarding the scope and application of this section. These comments and the Commission's experience under the interim regulations during the past nineteen months have led us to conclude that § 270.201 may both confuse the public and interfere with our program of monitoring for compliance with the maximum lawful prices established by the NGPA. In order to determine whether a single price computed under § 270.201 and charged for a volume of commingled gas exceeded the weighted average maximum lawful price, we would have to know what categories of natural gas were sold and the volumes of gas subject to each pricing category. We would also have to examine the sales contract for the gas. Because the

weighted average will change as often as the ratio of volumes produced from each category, we would have to review thousands of such computations and related sales contracts. Our current procedures generally do not require parties to such first sales to file their contracts or pricing computations.

Requiring producers to file such information and requiring our staff to examine and to analyze it would be unreasonably burdensome. We believe that the problem would be better resolved by requiring that prices for natural gas be computed separately for each category of natural gas subject to a different maximum lawful price rather than on a weighted average basis.¹ This pricing procedure is already followed in the majority of natural gas sales, and we expect this practice to continue. To this end, we are revoking § 270.201. We intend to issue a notice of proposed rulemaking that would require the seller to compute revenues separately for each category of natural gas that is subject to a different maximum lawful price and to maintain records of such computations.²

Revocation of § 270.201 will be effective retroactive to December 1, 1978. However, no first seller will be subject to a refund obligation, or enforcement action, for having charged and collected any rate in reliance on that section for deliveries before September 1, 1980.

In view of our decision to delete § 270.201, we will not address those additional comments regarding that section.

B. Section 270.202.

Section 270.202(a) contains the general rule regarding the price to be charged in a resale of natural gas. It provides that the maximum lawful price for the resale of gas, all or a portion of which is purchased in a "first sale" (as that term is defined in section 2(21) of the NGPA), and resold in a "first sale," is the higher of two alternative prices: (1) the maximum lawful price that would apply to such sale if it were not a resale, or (2) the maximum lawful price that was applicable to the sale in which the reseller purchased the gas.

Under the first alternative the reseller would price the gas as if he had produced it himself. He could, for example, charge a price based on an existing intrastate contract or any higher incentive price applicable under sections 102, 103, 107 or 108 of the NGPA. (Of course, in the latter case he would have to make or cause to be made the requisite jurisdictional agency

filings and interim collection filings).

Under the second alternative the reseller's maximum lawful price would be based on the ceiling price applicable to the person who sold the gas to the reseller.

Section 270.202(a)(2)(ii) of the interim rule deals with a special application of the second alternative: namely, where the volumes sold to the reseller are subject to different maximum lawful prices. In such a case, the interim regulations provided that the reseller's maximum lawful price under this second alternative was equal to the average of maximum lawful prices applicable to the gas sold to the reseller, weighted according to the volumes subject to each different maximum lawful price.

We received no comments expressing confusion concerning the use of weighted averages in the context of resales.

However, one comment did suggest that the words "volumes of the purchased gas" in § 270.202(a)(2)(ii) be replaced with the words "quantities of the purchased MMBtu's." We have adopted this suggestion which more accurately describes the Commission's original intention in prescribing the reseller rule.³ In addition, paragraph (a)(2) has been redrafted to make it clear that the reseller may compute his sales price on the basis of a weighted average or by any other reasonable method.

One additional comment regarding the application of the reseller rule to percentage-of-proceeds sales is discussed in connection with the rule for percentage-of-proceeds sales.

Section 270.202(b) of the interim rule states the manner in which the interim collection rules of Part 273 apply to resellers. Several comments were received on subparagraph (2) of this section, which provides that the reseller is not obligated by Part 273 to make any interim collection filings with the Commission if the person who sold the gas to the reseller has made these filings. The comments pointed out that if one co-owner of a well conducted the sale to the reseller but another co-owner made the filings, the reseller might be obligated by § 270.202(b)(2) to make the filings again. It was suggested that the rule be revised to provide that filings need not be made again if they have already been made by the person who sold the gas to the reseller or by another person on behalf of the person who sold the gas to the reseller. The Commission agrees with this suggestion and has amended § 270.202(b)(2) to achieve this

¹ But see discussion of reseller rule, *infra*.

² We note that this decision accords with our current policy articulated in § 272.105 which requires that deregulated gas be billed separately from regulated gas. See 45 FR 28092 (April 28, 1980).

³ We note that a similar change would have been made in § 270.201 had we not decided to eliminate that section.

result. In addition, minor editorial changes have been made in § 270.202(b)(1).

Section 270.202(c) provides that a reseller may collect the applicable maximum lawful price on the resale plus any allowances permitted to him by the Commission under the provisions of Subpart K of Part 271.⁴ Paragraph (c) also provides that if the maximum lawful price received by a reseller is determined under paragraph (a)(2) by reference to the maximum lawful price applicable to the person selling to him, the reseller may add to that maximum lawful price any Subpart K allowances permitted to that person. Some minor editorial changes have been made in § 270.202(c) in order to clarify that section.

Several comments asserted that the provisions of Subpart K work a special hardship on resellers whose gas is subject to section 105 or section 106(b). Under § 271.1105(b)(2), sellers of natural gas which is sold under existing or rollover intrastate contracts cannot receive add-on allowances to recover production-related costs. The comments noted that because of this provision, resellers who have purchased gas under such contracts may be squeezed into buying and reselling at the same maximum lawful price and would thus be prohibited from recovering their operating, gathering, and treating costs, plus a reasonable profit. These comments stated that the adjustment procedures under § 270.202(d) are too cumbersome, too time-consuming, and too uncertain a means of affording adequate relief to these resellers.

The Commission disagrees. It is precisely this type of situation with which section 502(c) of the NGPA, and the Commission's regulations under § 1.41, are intended to deal. Under § 1.41 the Commission has established an expeditious, informal procedure under which the Director of the Office of Pipeline and Producer Regulations may provide relief from any restrictions under Subpart K which may cause special hardship, in equity, or unfair distribution of burdens.

Another comment alleged that the rule discriminates between pipeline purchasers and other resellers with regard to all categories of gas because the pipeline purchaser can automatically pass on gathering and other costs it incurs whereas other resellers are

required to obtain such approval of such costs under Subpart K.

If a pipeline incurs a production-related cost that is not a component for the first sale price paid for the gas, the prudence of incurring that cost will be subject to scrutiny in a rate case.⁵ As to problems regarding Subpart K raised in this and other comments, the Commission believes that it is best to work out a generic solution to such problems in the context of Subpart K. At the time we issue final regulations on Subpart K we will address in detail these and other issues concerning allowances for production-related costs. Any changes which are made in Subpart K at that time will be incorporated by reference into this reseller rule, because § 270.202(c) specifically permits resellers to recover any allowances permitted under Subpart K.

C. *Percentage-of-Proceeds Sales.*

Order No. 68, which promulgated final rules regarding sections 105 and 106(b) of the NGPA, also amended the reseller rule in § 270.202 on an interim basis by adding paragraphs (e)(3) and (h) concerning percentage-of-proceeds sale.⁶ Subparagraph (e)(3) defines "percentage-of-proceeds sales"; paragraph (h) describes the treatment of such sales for purpose of subchapter H. These provisions have been modified slightly and have been included here as final regulations.

Two motions were made seeking clarification of Order No. 68.⁷ One motion requested clarification regarding percentage-of-proceeds contracts under which the "percentage-sellers"⁸ receive a percentage of the weighted average price at which the natural gas is resold. The argument was made that a percentage-seller that produces only one of several streams of gas that feed into a processing plant may receive a price under such an arrangement that exceeds the maximum lawful price that would have been applicable to his stream of natural gas had it been priced and sold separately by the reseller.

⁴ See Statement of Policy to be issued in Docket No. RM80-47 (Production related costs).

⁵ Prior to promulgation of these amendments, one comment requested that percentage-sellers be able to collect the maximum lawful price applicable to their gas rather than a percentage of the reseller's maximum lawful price as determined under § 270.202. The rule on percentage-of-proceeds makes the Commission's policy in this regard clear.

⁷ Application of Phillips Petroleum Co. for Rehearing and Clarification of Order No. 68, and Motion of Getty Oil Co. for Clarification of Order No. 68. Both motions were filed in Docket No. RM80-14. That portion of the Phillips application that requests rehearing of Order No. 68 will be addressed in Docket No. RM80-14.

⁸ By a "percentage-seller" we mean the person who sells to the reseller in a percentage-of-proceeds sale.

Such percentage-of-proceeds arrangements do not contravene our regulations so long as the total price charged by the reseller does not exceed the maximum lawful price applicable to the reseller under paragraph (a) or (h). Under these circumstances no violation of the NGPA can occur because the percentage-sellers as a group will receive only a percentage of the resale proceeds and the resale proceeds will not exceed the reseller's applicable maximum lawful price. As we stated on Order No. 68:

Because the percentage-of-proceeds sellers only receive a percentage (less than 100 percent) of the proceeds from the resale, the price of which may not exceed the applicable NGPA maximum lawful price, the total price received by these sellers as a group cannot exceed the maximum lawful price. Distribution of proceeds derived from the resale of such gas will be deemed a matter of private contract law to be resolved by the parties.⁹

The second motion for clarification raised a point regarding interim collection filing requirements in the case of a percentage-of-proceeds sale. It was argued that, because percentage-of-proceeds sales are not treated as "first sales" for purposes of Subchapter H, the percentage-seller is excused by § 270.202(h) from making an interim collection filing under § 273.202. The comment asserted that, under such circumstances, a reseller would have to collect on an interim basis and would have to make the filings even though a reseller generally does not have all the data required to make a proper filing under § 273.202(d)(1) (i) and (v).

This special rule for percentage-of-proceeds sales applies only where the reseller's ceiling price is determined under paragraph (a)(1) by reference to the ceiling that would have applied to him if he had not purchased the gas from another seller, and had, instead, produced the gas himself. As noted above, the reseller is obligated under such circumstances to make or cause to be made all requisite jurisdictional agency filings and interim collections filings. If the producer of the gas refuses to make, or to assist him in making, these filings, no incentive prices under sections 102, 103, 107, or 108 of the NGPA may be collected by the reseller and no percentage of that price may be collected by the producer. Both parties should have strong economic incentives

⁹ Order No. 68 *mimeo* at 26. In that order, the Commission decided that percentage-of-proceeds sales would not be treated as "first sales" for purposes of administering NGPA pricing rules. This discussion assumes that the reseller, himself, has not received a price in excess of the maximum lawful price applicable to the resale by virtue of § 270.202.

⁴ Subpart K implements section 110 of the NGPA, which provides that a first sale price may exceed the maximum lawful price to the extent necessary to recover certain state severance taxes and production-related costs borne by the seller and allowed for by Commission rule or order.

to work out the mechanics of making the requisite filings.

In order to clarify the application of the percentage-of-proceeds rule, several modifications have been made. The rule has been modified to permit the reseller in a percentage-of-proceeds sale to price the gas he sells by reference to the ceiling which would have applied had he produced the gas himself. If he determines his ceiling price in this manner, the percentage-of-proceeds rule applies.

The rule has also been modified to make it clear that percentage sellers otherwise excepted from Subchapter H are nevertheless required to file annual reports under Part 276. The Commission did not intend to exempt percentage-sellers from this requirement under the interim rule and has, in fact, implemented special requirements in Part 276 to deal with percentage-of-proceeds sales.

Comments regarding application of the Btu rule in § 270.204 to percentage-of-proceeds sales are discussed in connection with the Btu rule.

Sections 270.202 (f) and (g) establish rules for resellers regarding record retention. They provide that resellers are required to make reports of first sales under Part 276 in the same manner as other first sellers. Minor editorial changes have been made in these paragraphs.

D. Section 270.204.

Section 270.204 describes a standard method for determining Btu content per unit volume of natural gas. Btu content must be measured for much of the gas sold under the NGPA because the Act requires that first sales not exceed certain maximum lawful prices, which are stated in terms of MMBtu's.¹⁰ Furthermore, any seller whose gas is subject to section 105 may need to know the Btu content of the gas in order to determine whether he is subject to the maximum lawful price in section 105(b)(1) or that in section 105(b)(2).¹¹

¹⁰ Maximum lawful prices for "minimum rate gas," see § 271.101(a), and maximum lawful prices for certain sales under sections 105 and 106(b) are expressed on an Mcf, and not an MMBtu, basis. See note 6 *infra*.

¹¹ For example, where gas is subject to section 105 (existing intrastate contracts), it will be necessary to know the Btu content in some but not all cases. Initially, a Btu content test may be necessary in order to determine whether the sale is subject to section 105(b)(1) or section 105(b)(2). If the price under the terms of the existing contract is calculated on a volumetric basis (per Mcf) and is clearly lower than the maximum lawful price per MMBtu under section 102 on November 9, 1978, the price per Mcf under the terms of the existing contract is the maximum lawful price. There is no need to measure the heat (Btu) content of the gas. However, if the price under the existing contract appears to be close to the section 102 maximum

One comment on this section asked at what site Btu content should be measured for purposes of billing. If a well produces from several completion locations and the various streams are subject to different maximum lawful prices, Btu content should be determined for each stream subject to a different maximum lawful price. The Commission will accept any method for Btu measurement that is reasonably designed to determine the Btu content of each such stream.

One comment asked whether Btu content tests are required when gas is sold pursuant to "casinghead gas contracts which are of the percentage type." The comment argued that the exigencies of such arrangements make it impractical to perform Btu content tests on a well-by-well basis, *i.e.*, prior to commingling in a central separator serving a number of wells. As noted above, the Commission will accept any measurement method reasonably designed to ascertain Btu content. In this case, the reseller may use any estimation method reasonably designed to measure Btu content if it is impractical to measure Btu content prior to commingling.

Several comments noted that § 270.204 provides that Btu content must be measured on a "saturated with water vapor" basis rather than on the basis of the actual water vapor content of the gas as delivered. The comments asserted that under this rule the seller would be paid for less Btu's than would actually be delivered if the gas were sold on a dry (unsaturated) basis.

This assertion is erroneous. Section 270.204 merely describes the test standard for expressing the number of Btu's contained in a cubic foot of gas under certain conditions. Under this standard, the heat value is expressed as the number of Btu's per cubic foot of gas "saturated with water vapor." The Commission is aware that the water vapor content or pressure of the gas when tested may be different than described in this standard, and may also be different than the conditions that obtain when the gas is delivered. Therefore, the results obtained under test conditions, be they those in the rule or others, must be converted to figures that reflect the actual condition of the

lawful price, it becomes necessary to ascertain the Btu content of the gas in order to determine whether or not the contract price exceeds the new gas ceiling price determined as of the date of enactment. For similar reasons, a Btu content test may be necessary for sales subject to section 105(b)(1) if and when the contract price escalates under the contract terms to an amount close to the section 102 maximum lawful price. (Of course, the heat content of the gas must be measured if the sale is subject to section 105(b)(2)). See section 105(b).

gas on delivery in order to properly price the gas.

A few commenters asked what is the correct pressure base for measuring Btu content per unit volume of natural gas.

Section 270.204 uses a standard pressure base of 30 inches of mercury at 32 degrees Fahrenheit to determine what constitutes a cubic foot of gas and to determine how many Btu's are in that cubic foot of gas. These comments noted correctly that the pressure base of 30 inches of mercury at 32 degrees Fahrenheit for expressing Btu content per unit volume of natural gas does not convert precisely to 14.73 pounds per square inch (p.s.i.), the pressure base used in section 2(29) of the NGPA to define a standard Mcf (1,000 cubic foot) of natural gas. We note that measurement of the Btu content of natural gas can be made at any desired pressure base, provided that the measurement is accurate and provided that the measurements for Btu content and for volume are converted to a common pressure base.¹²

Another comment asked that the Commission provide a list of the acceptable methods of measuring Btu content, *e.g.*, chromatograph, calorimeter, etc. The Commission believes at this time that the method of measurement may best be determined by the parties to the sales contract. We will accept any reasonable method for determining Btu content upon which the parties agree. We note, however, that contractual obligations should be observed and that appropriate conversion factors should be applied in order to modify test results to actual delivery conditions of the gas.

III. Public Procedures and Effective Date

The regulations in Subpart B of Part 270 (except for those interim rules promulgated in Order No. 68) were originally proposed for comment in November of 1978 in Docket No. RM79-3 and issued as interim regulations on December 1, 1978 (43 FR 56448, December 1, 1978). For 60 days thereafter comments were received, and during that period hearings were held on these regulations. By this process the Commission complied with 5 U.S.C. 553 and with section 502(b) of the NGPA, which requires that, "[t]o the maximum extent practicable," an opportunity for the oral presentation of data, views and arguments be afforded for certain regulations under the NGPA. The

¹² The comments stated that traditionally intrastate pipelines use a pressure base of 14.735 p.s.i., while interstate pipelines use a pressure base of 14.73 p.s.i. As stated above, either pressure base may be used as long as the correct number of Btu's sold is known.

amendments contained in this order rest upon consideration given to the information received during the above-described notice, comment, and hearing process. The Commission finds that further notice and public procedure with respect to §§ 270.201, 270.202 and 270.204 is unnecessary.

Paragraphs (e)(3) and (h) of the interim rules were originally issued in Docket No. RM80-14 (Order No. 68) as amendments to the interim rules in Part 270. The clarifications to those paragraphs, which are being issued here as final rules, respond to petitions for clarification of those paragraphs filed in Docket No. RM80-14.

Sections § 270.202 and 270.204 are being issued as final regulations, effective (30 days from date of issuance). Section 270.201 is revoked retroactive to December 1, 1978. However, no first seller will be subject to a refund obligation, or enforcement action, for having charged and collected any rate in reliance on that section for deliveries which occurred before September 1, 1980.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3432; Natural Gas Act, as amended, 15 U.S.C. 717, *et seq.*; Department of Energy Organization Act, 42 U.S.C. §§ 7107-7352; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, §§ 270.201, 270.202, and 270.204 of Part 270, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, issued as interim regulations (43 FR 56448, December 1, 1978 and 45 FR 5678, January 24, 1980) are promulgated as final regulations and are amended as set forth below, effective as set forth above.

By the Commission.

Kenneth F. Plumb,
Secretary.

§ 270.201 [Reserved]

1. Interim regulation § 270.201 is revoked by deleting the title and the text in its entirety and inserting in lieu thereof "[Reserved]" so that § 270.201 reads as follows:

2. Interim regulation § 270.202 is revised to read as follows and is adopted as a final regulation.

§ 270.202 Resales.

(a) *General rule.* In the case of any first sale of natural gas which is a resale of such gas, the maximum lawful price shall be the higher of:

(1) The maximum lawful price which would be applicable to such sale if it were not a resale; or

(2) The maximum lawful price applicable to the natural gas sold to the reseller. In the case of natural gas which when sold to the reseller was subject to

more than one maximum lawful price, the reseller may determine the maximum lawful price for purposes of this subparagraph on the basis of the average of the maximum lawful prices applicable to the natural gas sold to the reseller (weighted according to the number of purchased Btu's that are subject to each different maximum lawful price).

(b) *Special rule for interim collections.* (1) If the price for a first sale to a reseller is charged and collected under the authority of Part 273 (relating to interim collection), then:

(i) The price authorized to be collected under Part 273 shall be treated as a maximum lawful price for purposes of paragraph (a)(2) of this section; and

(ii) The price charged and collected by the reseller shall be subject to the same refund conditions under Part 273 as are imposed on the person who sold the natural gas to the reseller.

(2) The reseller is not obligated by Part 273 to make any filings with the Commission if such filings have been made by:

(i) The person who sold the natural gas to the reseller; or

(ii) A person designated under § 273.103(b) by the person in clause (i) of this subparagraph to make such filings.

(c) *Allowances.* (1) A resale of natural gas shall not be considered to exceed any maximum lawful price established in paragraph (a) of this section if it exceeds such price to the extent necessary to recover state severance taxes or production-related costs which are borne by the reseller and if such recovery by the reseller is allowed under Subpart K of Part 271.

(2) If a price for a first sale to a reseller of natural gas is not considered to exceed the applicable maximum lawful price applicable to such sale by reason of an amount allowed under Subpart K, then for purposes of applying paragraph (a)(2) of this section the maximum lawful price applicable to the natural gas sold to the reseller shall be considered to be increased by the amount so allowed.

(d) *Adjustments.* Pursuant to section 502(c) of the NGPA and § 1.41 of this chapter, a reseller may apply to the Commission for an adjustment of the maximum lawful price in paragraph (a) of this section on the grounds that such price results in special hardship, inequity or an unfair distribution of burdens.

(e) *Definitions.* For purposes of this section:

(1) "Resale" of natural gas means the sale of natural gas, all or a portion of which was both purchased and resold in

transactions that are first sales as defined in the NGPA.

(2) A "reseller" means the seller in a resale of such natural gas.

(3) "Percentage-of-proceeds sale" means a sale of natural gas the price for which is computed as a percentage of the proceeds from the resale of natural gas attributable to such sale.

(f) *Record retention.* In addition to any records required to be retained by reason of an election made by the reseller under § 276.101(b), such reseller shall maintain such records as are sufficient to demonstrate that prices charged for the resale of natural gas do not exceed the maximum lawful prices prescribed in this section. Such records shall include:

(1) a record of each resale of natural gas by the reseller, including the identity of the purchaser and the volume and price of such sale;

(2) a record of each sale of natural gas to the reseller which has been sold in a resale by such reseller, including the volume and price of such sale;

(3) a copy of the contracts covering the purchase and resale of natural gas; and

(4) a record of the method by which the reseller computes the maximum lawful price applicable to each resale and the documents relied on to make such computations.

(g) *Period for keeping records.* Each reseller required to maintain records under this section shall maintain and preserve contracts for any sale to which this section applies for at least three years after the expiration date of such contracts and such other records for at least three years after the date of the relevant transaction or event.

(h) *Special rules for percentage-of-proceeds sales.* In the case of natural gas purchased by a reseller in a percentage-of-proceeds sale, the reseller may determine the maximum lawful price for the resale under paragraph (a)(1) of this section. If the reseller so determines his maximum lawful price, any sale to such reseller in such percentage of proceeds sale shall not be treated as a first sale for purposes of this subchapter (other than Part 276).

3. Interim regulation § 270.204 is adopted as a final regulation.

§ 270.204 Btu content per cubic foot of natural gas.

(a) *Measurement.* The Btu content of one cubic foot of natural gas under the standard conditions specified in paragraph (b) of this section is the number of Btu's produced by the complete combustion of such cubic foot of gas, at constant pressure with air of the same temperature and pressure as

the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by such combustion is condensed to a liquid state.

(b) *Standard conditions.* The standard conditions for purposes of paragraph (a) of this section are as follows: The gas is saturated with water vapor at 60 degrees Fahrenheit under a pressure equivalent to that of 30.00 inches of mercury at 32 degrees Fahrenheit, under standard gravitational force (980.665 centimeters per second squared).

4. The table of contents of Subpart B of Part 270 is amended by deleting "First sale of natural gas subject to differing maximum lawful prices" and by inserting in lieu thereof "[Reserved]."

[FR Doc. 80-22015 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 101

Federal Property Management Regulations; Standard Form 149, U.S. Government National Credit Card; Correction

AGENCY: General Services
Administration.

ACTION: Temporary regulations;
correction.

SUMMARY: This document corrects the identification numbers of two FPMR temporary regulations. Although GSA distributed looseleaf versions of these documents that carry the correct identification, the document identifications are being corrected in the Federal Register so that they will be listed correctly in the CFR.

FOR FURTHER INFORMATION CONTACT:
Stanley W. Bowers, Chief, Directives
Management Branch (202-566-0666)

Subchapter E—Supply and Procurement
Subchapter G—Transportation and
Motor Vehicles

Appendixes—Temporary Regulations

In FR Doc. 79-26639 appearing at 44 FR 50340 on August 28, 1979, the identification numbers of the temporary regulations in the document are corrected as follows:

1. References to "FPMR Temporary Regulation E-184" are changed to "FPMR Temporary Regulation E-67."

2. References to "FPMR Temporary Regulation G-144" are changed to "FPMR Temporary Regulation G-41."

Dated: July 14, 1980.
Ben Schiffman,
Director of Administrative Services.
[FR Doc. 80-22110 Filed 7-22-80; 8:45 am]
BILLING CODE 6820-34-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[Docket No. 19308]

Providing for a New Priority System for the Restoration of Common Carrier Provided Intercity Private Line Service

AGENCY: Federal Communications
Commission.

ACTION: Correction.

SUMMARY: This document corrects the release date of the Commission's rule providing for a new Priority System for the restoration of common carrier provided intercity line service, FR Doc. 80-21030, 45 FR 47427, July 15, 1980.

ADDRESSES: Secretary, Federal
Communications Commission,
Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Herbert Neumann, Executive Secretary,
NIAC (Room A-201), Office of Executive
Director, Federal Communications
Commission, Washington, D.C. 20554
(202) 632-7232.

Erratum

Released: July 16, 1980.

In the matter of amendment of Part 64 of the Commission's rules to provide for a new priority system for the restoration of common carrier provided intercity private line service.

The Release date in the above entitled matter, FCC 80-359, published July 15, 1980 at 45 FR 47427 is erroneous and should read: July 16, 1980.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 80-22114 Filed 7-22-80; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1100

[Ex Parte No. 55 (Sub-No. 44)]

Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349

AGENCY: Interstate Commerce
Commission.

ACTION: Correction to notice of interim
rules and request for comments.

SUMMARY: These interim rules implement the Motor Carrier Act of 1980, which requires expedited procedures for processing certain motor carrier finance applications. The rules require directly related applications to be filed at the same time as the finance application, among other revisions. The original publication, which began at 45 FR 45529, July 3, 1980, contained several technical errors which are corrected herein. These corrections do not substantively alter the interim rules and the time for submitting comments remains unchanged.

DATE: Comments are due on or before
August 18, 1980.

FOR FURTHER INFORMATION CONTACT:
Richard Kelly (202) 275-7245; Eliot
Horowitz (202) 275-7657.

SUPPLEMENTARY INFORMATION: The interim rules govern the processing of motor carrier finance applications (i.e. for authority to consolidate, merge, purchase or lease operating rights of a motor carrier). The rules are designed to expedite the processing of cases in accordance with the statutory time frames established by the Motor Carrier Act of 1980.

CORRECTIONS: (1) The notice accompanying the interim rules indicates that "an applicant has an obligation to serve a copy of its application on any person submitting a \$10.00 fee to applicant to help defray reproduction expenses." The pertinent rule, 1100.240(A)(h)(3) reads incorrectly. The sum in the 5th line of that subparagraph (page 45531) should be changed from "\$5" to "\$10."

(2) Appendix B to the interim rules (see page 45533) contains revised instructions for (a) application forms OP-F-44 and 45 and (b) OP-F-46. The Federal Register publication indicates incorrectly that the instructions to forms OP-F-44 and 45 consist of 11 separate paragraphs, while the OP-F-46 form has numbered paragraphs 1 through 10, and 12 and 13. The latter two instructions should follow instruction number 11 (page 45533, column 3) on the OP-F-44 and 45 application forms. The OP-F-46 form consists only of instructions 1-10.

(3) The initial sentence of instruction number 7 (page 45533, column 3) to application form OP-F-46 ("Notice") should state that "if applicants file this application subsequent to the filing of a related application under 49 U.S.C. 11313 or 10926, they shall serve a copy of this application upon all parties of record to date." Through inadvertance

the word subsequent was omitted from the Federal Register publication.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22107 Filed 7-22-80 8:45 a.m.]
BILLING CODE 7035-01-M

49 CFR Parts 1243 and 1249

[No. 37117]

Elimination of Requirement to File Quarterly Report Form QL&D

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rule.

SUMMARY: The Commission, in a rule published at 45 FR 34276, May 22, 1980, eliminated the requirement that all Class I railroads, and all motor common and contract carriers of property with average annual operating revenues of \$1 million or more, file Form QL&D-R&M, the quarterly report of freight loss and damage claims. This notice corrects that rule. Page 3 of the Commission's served copies, in both the second and third paragraphs, it is incorrectly stated that Schedule B—"Analysis of Theft-all carriers" is to be deleted from Form QL&D-R&M (appearing in the last paragraph on page 34277, and the first complete paragraph on page 34278). The rule should state that Schedule B is to be eliminated only from the motor carrier report from QL&D-M, and not the railroad form OL&D-R.

EFFECTIVE DATE: July 23, 1980.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Chief, Section of Accounting and Reporting, (202) 275-7448.

This action does not affect significantly the quality of the human environment or the conservation of energy resources.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22109 Filed 7-22-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 255

Inclusion of Interim Interest Costs and Increase in Application and Commitment Fees

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final regulation.

SUMMARY: The Fishing Vessel Obligation Guarantee Program provides long-term financing of the debt portion of fishing vessel construction costs by guaranteeing private credit given for that purpose. This amendment of Program regulations (1) allows the interest cost of financing during a vessel's construction interim to be included in the principal amount of a guaranteed obligation and (2) increases the base upon which the Program's filing and commitment fees are calculated.

EFFECTIVE DATE: July 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Telephone No. (202) 634-7496.

SUPPLEMENTARY INFORMATION: Program rules presently exclude from the principal amount of a guaranteed obligation the interest cost of short-term financing during a vessel's construction interim.

This has proven to be a substantial hardship to some users of the Fishing Vessel Obligation Guarantee Program, since the vessel owner's payment upon vessel delivery of interest costs incurred during the vessel's construction interim can seriously deplete the vessel owner's working capital reserves. The interest cost of construction-interim financing is a legitimately capitalizable cost and the Government's risk, as guarantor of the vessel's long-term financing under the Fishing Vessel Obligation Guarantee Program, will be lessened by preventing a serious depletion of the vessel owner's working capital reserves due to payment from those reserves of construction-interim interest costs. Although inclusion of construction-interim interest costs in the principal amount of a guaranteed obligation will increase the Government's exposure in the event a project is unsuccessful, it will also decrease the likelihood that a project will be unsuccessful since it will enable the project to commence with greater working capital reserves. This amendment of Program rules will, consequently, enable the inclusion of construction-interim interest costs in the principal amount of a guaranteed obligation. This amendment will apply to all applications for guarantees which have not resulted in a closed financing as of July 23, 1980.

Application filing and financing commitment fees under the Fishing Vessel Obligation Guarantee Program presently total ½ of 1 percent of the first \$300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and ¼ of 1 percent of the

balance. Filing fees (½ of the total fee) are payable upon filing of an application and commitment fees (the remaining ½ of the total fee) are due upon issuance of a financing commitment. This amendment will increase the filing and commitment fee to a total of ½ of 1 percent of the first \$1,000,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and ¼ of 1 percent of the balance. This increase is necessary in order to better absorb the cost of application processing and provide a greater loss reserve fund for the Program. This amendment will apply to all applications first received after July 23, 1980.

Accordingly, 50 CFR Part 255 is amended as follows:

§ 255.1 [Amended]

(1) In § 255.1(d), delete "interest," as it appears between "commitment fees," and "legal" and insert ", except interest," between "capitalizable" and "under".

§ 255.4 [Amended]

(2) In § 255.4(f)(1) and (f)(2), as amended, substitute "\$1,000,000" for "\$300,000" each place the latter occurs.

Signed this 18th day of July, 1980, in Washington, D.C.

Dated: July 18, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-22105 Filed 7-22-80; 8:45 am]
BILLING CODE 3510-22-M

ENDANGERED SPECIES COMMITTEE

50 CFR Parts 450, 451, 452, and 453

Endangered Species Review Board and Endangered Species Committee

AGENCY: Endangered Species Committee.

ACTION: Correction.

SUMMARY: A note appended to the final rules stated: These regulations have been concurred in by all permanent members of the Committee, except that the Secretary of the Army withholds concurrence on §§ 452.03(e), 450.01(2), and 453.05(b). (45 FR 23362, April 4, 1980) The note should be corrected to read: These regulations have been concurred in by all permanent members of the Committee, except that the Secretary of the Army withholds concurrence on the fourth sentence of § 452.03(e); on § 450.01(2), unless the word "part" is construed to mean "substantial part;" and on § 453.05(b), unless the phrase "final determinations"

is deleted in favor of the phrase "any matter before the Committee."

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jon H. Goldstein, Office of Policy Analysis, Department of Interior, Room 4135, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, 202-343-8501.

Dated: July 15, 1980.

Cecil D. Andrus,

Chairman, Endangered Species Committee.

[FR Doc. 80-22112 Filed 7-22-80; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF COMMERCE

50 CFR Part 651

Atlantic Surf Clam and Ocean Quahog Fisheries; Adjustment in Allowable Atlantic Surf Clam Fishing Time

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of adjustment in allowable Atlantic surf clam fishing time.

SUMMARY: This notice increases the allowable fishing time to 48 hours per week for fishing vessels harvesting Atlantic surf clams within the United States fishery conservation zone (FCZ). The increase in fishing time is intended to allow the fishermen harvesting Atlantic surf clams to harvest the full quarterly allocation of surf clams for the third quarter of 1980.

EFFECTIVE DATE: July 20, 1980, through September 27, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: Section 652.22(a)(5) of the regulations implementing the Surf Clam Fishery Management Plan permits the Regional Director to increase the number of hours per week during which fishing for surf clams is permitted to facilitate the harvest of the full quarterly allocation. He must first determine that the quarterly allocation will not be harvested at the then-current level of fishing effort, and that the catch rate has not diminished as a result of a decline in abundance of stocks of surf clams.

It is currently estimated that harvest of surf clams during the second quarter of 1980 fell short of the adjusted quarterly allocation by 90,000 bushels. This shortfall will be added to the

quarterly quota for the third quarter of 1980. With this addition, the allocation for the third quarter will approximate 590,000 bushels.

A number of factors combined reduced the actual rate of harvest of surf clams. These include the closure or slow-down of some processing plants due to market conditions and diversion of considerable processing effort away from surf clams to ocean quahogs. These factors, which are expected to continue throughout the next few months, will contribute to continued low rates of harvest unless fishing time is increased.

In evaluating an increase in allowable fishing time, the Regional Director has consulted with members of the surf clam committee and the surf clam advisory sub-panel of the Mid-Atlantic Council, together with individuals involved in the surf clam fishery. The Regional Director has determined that the quarterly allocation of surf clams will not be harvested with the current 24-hour fishing week. Further, there is no evidence that the catch rate may have diminished as a result of a decline in abundance of stocks of surf clams. Therefore, effective July 20, 1980, the allowable fishing time for surf clams will increase to 48 hours per week until September 27, 1980.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this the 17th day of July, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-22111 Filed 7-22-80; 8:45 a.m.]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 45, No. 143

Wednesday, July 23, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 18

Identification of Subjects in Agency Regulations

AGENCY: Administrative Committee of the Federal Register (ACFR).

ACTION: Change to proposed rule.

SUMMARY: This document changes the proposed rule document published in the Federal Register of July 9, 1980 (45 FR 46328) by changing the date "December 31, 1982" to "December 31, 1981" each place the date appears. This is a key date in the proposed new requirement for identification of subjects in agency regulations.

DATES: Comments must be received by September 8, 1980.

ADDRESS: Comments should be addressed to: The Federal Register (Thesaurus), National Archives and Records Service, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408, Telephone (202) 523-5266.

Ernest J. Galdi,

Secretary, Administrative Committee of the Federal Register.

[FR Doc. 80-22192 Filed 7-22-80; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

Price Support Program for Milk; Terms and Conditions of 1980-81 Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This announces that the Secretary of Agriculture is considering the level of price support for milk to be

established for the 1980-81 marketing year, beginning October 1, 1980. The Secretary may also consider other matters pertaining to the milk support program, including (1) the allocation of any change in the support price between Commodity Credit Corporation (CCC) purchase prices for butter and nonfat dry milk, (2) the determination of the manufacturing margins used in calculating CCC's purchase prices, and (3) the determination of the sales markup for CCC-owned dairy products offered for sale for unrestricted use.

DATE: Comments must be received on or before August 18, 1980, to be sure of consideration.

ADDRESS: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: S.E.T. Bogan, Agricultural Economist, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013, (202-447-3571).

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Donald E. Friedly at the same address and phone number.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant". In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), it is determined after review of these and related regulations contained in 7 CFR 1430 for need, currency, clarity, and effectiveness that no additional changes be proposed at this time.

Robert R. Stansberry, Jr., Director, Procurement and Sales Division, ASCS, has determined that an emergency exists which warrants less than a 60 day comment period on this proposed action in order that all comments may be considered before the level of support for milk is announced for the marketing year which begins on October 1, 1980.

Section 201 of the Agricultural Act of 1949, as amended, (7 U.S.C. 1446) provides as follows:

(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Notwithstanding the foregoing, effective for the period * * * ending September 30, 1981, the price of milk shall be supported at not less than 80 per centum of the parity price therefor. Such price support shall be provided through purchases of milk and the products of milk.

(d) Effective for the period * * * ending September 30, 1981, the support price of milk shall be adjusted by the Secretary at the beginning of each semiannual period after the beginning of the marketing year to reflect any estimated change in the parity index during such semiannual period. * * * Any adjustment under this subsection shall be announced by the Secretary not more than thirty days prior to the beginning of the period to which it is applicable.

The aim of the program is for the U.S. average price of manufacturing grade milk to equal the announced support price. Except as influenced by the price support program these prices are arrived at competitively. Manufacturing grade milk as a percent of total milk marketed has been declining as more producers have become eligible to market fluid grade milk. In 1979, manufacturing grade milk constituted only 17 percent of total milk marketings. However, the milk price support program remains the foundation of the entire price structure for fluid and manufacturing grade milk sold by farmers. In 1979, fluid milk consumption represented 43 percent of milk marketings. Thus, more daily products are made from fluid grade than manufacturing grade milk.

The program to support prices of manufacturing grade milk is achieved through purchases of butter, American cheese and nonfat dry milk at prices calculated to enable plant operators to return the support price to the farmer. At times of significant price support purchases, the purchase prices for these products tend to become the floor for market prices of these dairy products. Reliance is placed on competition among manufacturers for the average price received by manufacturing grade

producers to equal the announced support price. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

In the absence of a support program, the surpluses of milk above commercial demand for milk for all uses could result in severely reduced price to milk producers. With such depressed prices, increases herd culling would result, and the rate of producers leaving dairying would be accelerated, thereby curtailing productive capacity. While downward adjustments to dairy cow numbers could be achieved relatively rapidly, rebuilding would take significantly longer—as much as several years—resulting in sharp dislocations throughout the industry as well as higher prices at the retail level.

On October 1, 1979, the support price was set at 80 percent of parity, which was \$11.22 per hundredweight for milk of 3.5 percent fat content, or \$11.49 for milk of national average fat content (3.67 percent). On April 1, 1980, the support price was adjusted upward 7.6 percent to \$12.07 per hundredweight for milk of 3.5 percent fat content, or \$12.36 for milk of national average fat content. The increase reflected a 7.6 percent increase in the parity index (index of prices paid by farmers for commodities and services, interest, taxes and wage rates) from October 1, 1979 to April 1, 1980.

For the 1980–81 marketing year, 80 percent of the parity equivalent price for manufacturing grade milk, on October 1, 1980, is projected to be \$12.73 per hundredweight for milk of 3.5 percent fat content (\$13.03 per hundredweight for 3.67 percent fat content) and adjusted to \$13.38 per hundredweight for milk of 3.5 percent fat content (\$13.70 per hundredweight for 3.67 fat content) on April 1, 1981. The support price at 90 percent of parity, the maximum under the law, is projected to be \$14.31 per hundredweight for milk of 3.5 percent fat content (\$14.65 per hundredweight for 3.67 percent fat content).

With price support being offered at the minimum level of 80 percent of the parity equivalent price for manufacturing milk, milk production in the 1980–81 marketing year is projected to be 129.0 billion pounds. This compares with 127.0 billion pounds projected for the 1979–80 marketing year and 122.6 billion pounds in 1978–79. Production in the first 8 months of this marketing year (1979–80) has averaged more than 3 percent above the same period in 1978–79.

In the past, declining cow numbers tended to offset increases in production

per cow. However, since the summer of 1979, cow numbers have declined at a much lower rate, even showing an increase in March, April and May, while the rate of increase in production per cow accelerated. These two factors have combined to result in the increase in milk production.

With support at 80 percent of the parity equivalent price for manufacturing milk, commercial consumption of milk in 1980–81 is projected at 121.3 billion pounds, compared with the expected 119.0 billion pounds for 1979–80, and 120.1 billion pounds in 1978–79. CCC net removals of dairy products are projected to be the equivalent of 7.5 billion pounds of milk in 1980–81, compared with 8.6 billion pounds expected in 1979–80, and 1.1 billion pounds in 1978–79.

CCC purchases of dairy products (butter, cheese and nonfat dry milk) under the price support program in the present marketing year which began October 1, 1979, have been heavy. Through June, CCC has purchased the equivalent of 7.2 billion pounds of milk in the form of 224 million pounds of butter, 258 million pounds of cheese and 417 million pounds of nonfat dry milk.

Proposed Rule

Notice is hereby given that the Secretary of Agriculture is considering the level of the support price for milk to be established for the 1980–81 marketing year as required by law, and the prices and terms of purchase by CCC of butter, cheese and nonfat dry milk, including factors used in calculating the dairy product purchase prices. Such factors include: (1) the allocation of any change in the support price between CCC purchase prices for butter and nonfat dry milk, (2) the determination of the manufacturing margins used in calculating CCC's purchase prices, and (3) the determination of the sales markup for CCC-owned dairy products offered for sale for unrestricted use.

You are invited to submit in writing to the Director, Procurement and Sales Division, data, views and recommendations concerning the determinations to be made. In order to be assured of consideration, all submissions must be received by the Director not later than August 18, 1980. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Procurement and Sales Division, ASCS, USDA, Room 5741 South Building, during regular business hours (8:15 a.m.–4:45 p.m.).

This notice of proposed rule making is issued under authority of Section 201 (c) and (d) of the Agricultural Act of 1949,

as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446); and Sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c).

Signed at Washington, D.C. on July 15, 1980.

Donald L. Gillis,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-22032 Filed 7-22-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

Conservation and Solar Energy Office

10 CFR Part 435

Change in Availability of Documentation for Energy Performance Standards for New Buildings

AGENCY: Department of Energy.

ACTION: Change in Document Availability.

SUMMARY: The Department of Energy announces a change in the availability of documentation for the Energy Performance Standards for New Buildings from that stated in the Notice of Proposed Rulemaking published in the Federal Register on November 28, 1979, 44 FR 68120.

ADDRESS: See Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: Joanne Bakos, Hearing Procedures, U.S. Department of Energy (202) 252-9315.

SUPPLEMENTARY INFORMATION: The period for public comment on the proposed rule and the Technical Support Documents was closed on April 30, 1980. Copies of the proposed rule, the Technical Support Documents and other documents specifically identified in the proposed rule will no longer be available for public review at the following offices:

- Department of Energy, Freedom of Information Officer, 150 Causeway Street, Boston, Mass. 02114 (617) 223-5207.
- Department of Energy, 26 Federal Plaza, Room 3200, New York, N.Y. 10007 (212) 264-4780.
- Department of Energy, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102.
- Department of Energy, 1655 Peachtree Street, NE., Atlanta, Ga. 30309 (404) 881-2696.
- Department of Energy, 175 West Jackson Blvd., Room A333 Chicago, Ill. 60604 (312) 886-5170.
- Chicago Operations Office and Regional Office, 9800 South Cass

Avenue, Argonne, Ill. 60439 (312) 972-2002.

- Department of Energy, Post Office Box 35228, Dallas, Texas 75235 (214) 767-7701.
- Department of Energy, 324 East 11th Street, Kansas City, Mo. 64106 (816) 374-5182.
- Department of Energy, 1075 South Yukon Street, Post Office Box 26247, Belmar Branch, Lakewood, Colo. 80226 (303) 234-2420.
- Department of Energy, 111 Pine Street, 3rd Floor, San Francisco, Calif. 94111 (415) 556-7216.
- Department of Energy, 1992 Federal Building, 915 Second Avenue, Seattle, Wash. 98174 (206) 442-7303.
- Department of Energy, Albuquerque Operations Office, Albuquerque, N. Mex., Attn: National Atomic Museum, Public Document Room, Post Office Box 5400 (505) 264-6938.
- Chicago Operations & Regional Office, 175 West Jackson Boulevard, Chicago, Ill. 60604, Attn: Freedom of Information Office, Room A-136, (312) 353-5769.
- Department of Energy, Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401, Attn: R. L. Blackledge, Assistant to the Manager for Public Affairs (208) 526-1317.
- Morgantown Energy Technology Center, Post Office Box 880, Morgantown, W. Va. 26505, Attn: Dorothy Simon, Librarian (304) 599-7184.

These documents will remain available for public review under Docket No. CAS-RM-79-112 Between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays at:

- Department of Energy, Freedom of Information Office Reading Room 5B-180, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-5953.

Single copies of the Notice of Proposed Rulemaking (NPR), the Technical Support Documents and the Supplement to the Draft Environmental Impact Statement were distributed without cost to those persons requesting copies. With the publication of this announcement, those documents will no longer be distributed on that basis. They may be obtained as follows:

National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22150.

1. List of Technical support documents (not including Draft Environmental Impact Statement) as follows:

- DOE/CS-0115 Weighting Factors
- DOE/CS-0116 Climate Classification

- DOE/CS-0117 Solar Heating
- DOE/CS-0118 Standard Building Operating Conditions
- DOE/CS-0119 Energy Budget Levels
- DOE/CS-0120 Standard Evaluation Technique
- DOE/CS-0121 Regulatory Analysis
- DOE/CS-0122 Statistical Analysis
- DOE/CS-0129 Economic Analysis.

Technical Information Center, Oak Ridge National Laboratory, Post Office Box 62, Oak Ridge, Tenn. 37830.

1. Notice of Proposed Rulemaking (NPR)
2. Draft Environmental Impact Statement-DOE/EIS-0061-D
3. Draft Environmental Impact Statement-(Supplement) DOE-EIS-0061/DS-1.

The Notice of Proposed Rulemaking, § 7.0, states that a copy of the public hearing transcripts would be available for public review at the Department of Energy offices tabulated previously. The Department of Energy will make the hearing transcripts available only at the Freedom of Information Office, Reading Room in Washington, D.C., at the address given previously. DOE requests any person(s) seriously disadvantaged by this revised arrangement to inform the Department. Correspondence should be directed to the following:

- Joanne Bakos, Hearings Procedures, U.S. Department of Energy, Office of Conservation and Solar Energy, Room 1F-085, Forrestal Building, Washington, D.C. 20585 (202) 252-9319.

Copies of the hearing transcripts for Washington, D.C., and Kansas City, Missouri may be purchased from the respective court reporters. Their names and addresses follow:

- Washington, D.C., Neal R. Gross, 1330 Vermont Avenue, N.W., Washington, D.C. 20005 (202) 234-4433.
- Kansas City, Mo., Argie Reporting Service, 1000 West 70th Terrace, Kansas City, Mo. 64113 (816) 363-3657.

Copies of the Atlanta, Ga. Boston, Mass., and Seattle, Wash. Transcripts may be obtained only through the Freedom of Information Office Reading Room, Washington, D.C. 20585.

Issued in Washington, D.C. July 15, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-22010 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

10 CFR Part 580

[Docket No. RM80-67]

Establishing Natural Gas Curtailment Priorities for Interstate Pipelines; Hearing and Opportunity for Comment on Proposal by Economic Regulatory Administration

July 17, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Hearing and Public Comment.

SUMMARY: The Federal Energy Regulatory Commission (Commission), in the exercise of its discretion under Section 404 of the Department of Energy Organization Act (DOE Act), has determined that the proposed rule of the Economic Regulatory Administration (ERA), Department of Energy (DOE), relating to the establishment of natural gas curtailment priorities for interstate pipelines may significantly affect various of the Commission's functions under Section 402(a)(1) of the DOE Act. The Commission therefore has advised ERA that it is taking referral of the proposal, and is providing notice that it will receive written comments and hold public hearings with respect to the proposed rule.

DATES: Written comments should be submitted by August 29, 1980.

The Commission and ERA will be conducting joint hearings in five locations.

Chicago, Ill.

Hearing to be held on July 22, 1980 at 9:30 a.m. and continued, if necessary, at 9:30 a.m. on the next day (requests to speak due July 21, 1980).

Atlanta, Ga.

Hearing to be held on July 24, 1980 at 9:30 a.m. and continued, if necessary, at 9:30 a.m. on the next day (requests to speak due July 23, 1980).

Houston, Tex.

Hearing to be held on July 29, 1980 at 9:30 a.m. and continued, if necessary, at 9:30 a.m. on the next day (requests to speak due July 25, 1980).

San Francisco, Calif.

Hearing to be held on July 31, 1980 at 9:30 a.m. and continued, if necessary, at 9:30 a.m. on the next day (requests to speak due July 25, 1980).

Washington, D.C.

Hearing to be held on August 12, 1980 at 9:30 a.m. and continued, if necessary, at 9:30 a.m. on the next day (requests to speak due August 6, 1980).

ADDRESSES: Written comments should be sent to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

The location of the Chicago hearing is: Pick Congress Hotel, Florentine Room, South Michigan Avenue & Congress, Chicago, Ill. 60605.

Requests to speak at the Chicago hearing should be sent to: Lou Brownlee, Department of Energy, Region V, 175 West Jackson Blvd., Chicago, Illinois 60604 (312) 353-8457.

The location of the Atlanta hearing is: Hyatt Riviera, 1630 Peachtree Street, N.E., Atlanta, Ga. 30367.

Requests to speak at the Atlanta hearing should be sent to: Betty Camp, Department of Energy, Region IV, 1655 Peachtree St., N.W., Atlanta, Georgia 30309 (404) 881-2696.

The location of the Houston hearing is: Allen Park Inn, State Room, 2121 Allen Parkway, Houston, Texas 77019.

Requests to speak at the Houston hearing should be sent to: Max Lacefield, Department of Energy, Region VI, 2626 Mockingland Lane, Dallas, Texas 75235 (214) 729-7745.

The location of the San Francisco hearing is: Hyatt on Union Square, Dolores Room, Post & Stockton Streets, 2nd Lower Level, San Francisco, Calif. 94108.

Requests to speak at the San Francisco hearing should be sent to: Economic Regulatory Administration, Office of Public Hearings Management, Room 2313 (Docket No. ERA-R-79-10-A) 2000 M Street, N.W., Washington, D.C. 20461, Attn: Robert C. Gillette.

The location of the Washington hearing is: Department of Energy, Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Requests to speak at the Washington hearing should be sent to: Economic Regulatory Administration, Office of Public Hearings Management, Room 2313 (Docket No. ERA-R-79-10-A) 2000 M Street, N.W., Washington, D.C. 20461, Attn: Robert C. Gillette.

FOR FURTHER INFORMATION CONTACT: MaryJane Reynolds, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426 (202) 357-8455.

David N. Cook, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8898.

SUPPLEMENTARY INFORMATION: Sections 301(b) and 402(a)(1)(E) of the DOE Act assign to the Secretary of Energy responsibility concerning the establishment and review of natural gas curtailment priorities under the Natural Gas Act. Section 402(a)(1)(E) assigns to the Commission the responsibility for the implementation, review and enforcement of natural gas curtailments under the Natural Gas Act. In addition, Section 403 of the Natural Gas Policy Act of 1978 (NGPA) provides that the Secretary of Energy shall prescribe and the Commission shall implement rules under Sections 401 (essential agricultural uses) and 402 (essential industrial process and feedstock uses) of the NGPA. The Secretary of Energy delegated his authority in these respects to the Administrator of ERA (DOE Delegation Order No. 0204-4, October 1, 1977, 42 FR 60726, November 26, 1977).

On June 26, 1980, ERA issued a notice of proposed rulemaking (attached here to as Appendix A) concerning the establishment and review of natural gas curtailment priorities for interstate pipelines, including provisions that would implement Section 402 (essential industrial process and feedstock uses) of the NGPA. (Docket No. ERA-R-79-10-A, 45 FR 45098, July 2, 1980.) At the same time, ERA gave notice to the Commission, under Section 404(a) of the DOE Act, of its proposed action. Section 404(a) provides in relevant part:

If the Commission, in its discretion, determines . . . that the proposed action may significantly affect any function of the Commission pursuant to Section 402(a)(1), (b), and (c)(1), [ERA] shall immediately refer the matter to the Commission, which shall provide an opportunity for public comment.

On July 17, 1980, the Commission in the exercise of its discretion under Section 404 of the DOE Act, determined that ERA's proposed rule may significantly affect various of its statutory functions prescribed under Section 402 of the DOE Act.

In accordance with Section 404(b) of the DOE Act, following the public comment period and after consultation with ERA, the Commission will either (1) concur in the adoption of the rule as proposed, (2) concur in the adoption of the rule only with any changes the Commission recommends, or (3) recommend that the rule not be adopted. The Commission's action will be published in the Federal Register along with an explanation of the reasons for its action. Subsection (c) of Section 404 states that the Secretary shall then have the option of (1) issuing the rule (if the

Commission has concurred), (2) issuing the rule with any changes recommended by the Commission, or (3) ordering that the rule not be issued.

Written Comments

Interested persons may participate in this proceeding by submitting written data, views or arguments by August 29, 1980 to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Each person submitting a comment should include his or her name and address, identify the notice (Docket No. RM80-67), and give reasons for any recommendations. An original and 14 conformed copies, each containing a summary of contents, should be filed with the Secretary of the Commission. Persons desiring to file comments with the Commission and ERA may combine their comments in a single document, fifteen (15) copies of which should be filed with the Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street, NW., Washington, D.C. 20461. The Commission has arranged to obtain from ERA copies of all comments filed in ERA's related proceeding. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the comments may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

Public Hearing Procedures

The Commission and ERA have determined to hold joint public hearings in this proceeding on the schedule and at the locations previously noticed by ERA. Hearings will be held on July 22, 1980 in Chicago, Illinois; July 24, 1980 in Atlanta, Georgia; July 29, 1980 in Houston, Texas; July 31, 1980 in San Francisco, California; and August 12, 1980 in Washington, D.C. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may file a request to participate in a particular hearing with the ERA representative for that hearing identified in the Addresses section of this notice not later than the dates specified above.

Requests to participate at the hearing should include a reference to Docket No. RM80-67 as well as a concise summary of the proposed oral presentation and a number where the person making the

request may be reached by telephone. The Presiding Officer may determine whether the person filing the request may participate and may limit the issues which the person may address and the time available. To the extent possible, each person filing a request to participate will be contacted by the Presiding Officer or his or her designee prior to the hearing for scheduling purposes. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearings will not be judicial or evidentiary-type hearings. There will be no cross examination of persons presenting statements. The hearing panel may question such persons and any interested person may submit questions to the Presiding Officer to be asked of persons making statements. The Presiding Officer will determine whether the question is relevant and whether the time limitations permit it to be presented. At the conclusion of the initial oral statement, if time permits, persons who have made oral statements will be given the opportunity to make rebuttal statements. Any further procedural rules will be announced by the Presiding Officer at the hearing. A transcript of the hearing will be made available at the Commission's Division of Public Information.

By Direction of the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 580

[Docket No. ERA-R-79-10-A]

Proposed Rulemaking Concerning Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines

AGENCY: Department of Energy (Economic Regulatory Administration).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy is issuing for public comment a proposed rule pursuant to its responsibility to establish and review natural gas curtailment priorities under Sections 301(b) and 402(a)(1)(E) of the Department of Energy Organization Act (Pub. L. 95-91) (DOE Act) and Title IV of the Natural Gas Policy Act of 1978 (Pub. L. 95-621) (NGPA). The relationships between curtailment priorities, the emergency authorities provided to the President under the NGPA and ERA's natural gas import authorities under the Natural Gas Act (NGA) and the DOE Act are also considered. In accordance with Section 402(a)(1)(E) of the DOE Act and Section

403(b) of the NGPA, this proposed rule, when final, will be implemented and enforced by the Federal Energy Regulatory Commission (FERC).

DATES: All written comments should be submitted by 4:30 p.m., August 29, 1980, to the address indicated in the "Addresses" section of this Notice and should be identified on the outside envelope and document submitted with the docket number (ERA-R-79-10-A) and the designation "Comments on Curtailment Priorities for Interstate Pipelines."

All requests to speak should be sent to the designated address for each location at which you desire to speak and should be identified on the outside envelope with the docket number (ERA-R-79-10-A) and the designation "Requests to Speak on Curtailment Priorities for Interstate Pipelines." Requests must be sent to the address shown in the "Addresses" section and must be received by the dates listed below.

Requests to speak at the Washington hearing are due by August 6, 1980 at 4:30 p.m. Hearings to be held on August 12, 1980 at 9:30 a.m. in Washington, D.C., and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the Atlanta hearing are due by July 18, 1980 at 4:30 p.m. Hearings to be held on July 24, 1980 at 9:30 a.m. in Atlanta, Georgia and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the Houston hearing are due by July 23, 1980 at 4:30 p.m. Hearings to be held on July 29, 1980 at 9:30 a.m. in Houston, Texas and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the Chicago hearing are due by July 16, 1980 at 4:30 p.m. Hearings to be held on July 22, 1980 at 9:30 a.m. in Chicago, Illinois and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the San Francisco hearing are due by July 25, 1980 at 4:30 p.m. Hearings to be held on July 31, 1980 at 9:30 a.m. in San Francisco, California and continued, if necessary, at 9:30 a.m. on the next day.

ADDRESSES: All written comments should be sent to the Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street, N.W., Washington, D.C. 20461.

All requests to speak at the public hearings should be sent to the addresses listed below for the hearing location at which you desire to speak:

For Public Hearing in Washington, D.C. Economic Regulatory Administration, Office of Public Hearings Management, Room 2313 (Docket No. ERA-R-79-10-A) 2000 M Street, N.W., Washington, D.C. 20461, Attn: Robert C. Gillette.

For Public Hearing in Atlanta, Georgia: Betty Camp, Department of Energy, Region IV, 1655 Peachtree St., N.W., Atlanta, Ga. 30309 (404) 881-2896.

For Public Hearing in Houston, Texas: Max Lacefield, Department of Energy, Region VI, 2626 Mockingbird Lane, Dallas, Tex. 75235 (214) 729-7745.

For Public Hearing in Chicago, Ill., Lou Brownlee, Department of Energy, Region V,

175 E. Jackson Blvd., Chicago, Illinois 60604 (312) 353-8457.

For Public Hearing in San Francisco, Calif. Economic Regulatory Administration, Office of Public Hearings Management, Room 2313 (Docket No. ERA-R-79-10) 2000 M Street, N.W., Washington, D.C. 20461, Attn: Robert C. Gillette.

Location of Public Hearing in Washington, D.C. is: Department of Energy, Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Location of Public Hearing in Atlanta, Ga. is: Hyatt Riviera, 1830 Peachtree Street, N.E., Atlanta, Ga. 30367

Location of Public Hearing in Houston, Tex. is: Allen Park Inn, State Room, 2121 Allen Parkway, Houston, Tex. 77019.

Location of Public Hearing in Chicago, Ill. is: Pick Congress Hotel, Florentine Room, South Michigan Ave. & Congress, Chicago, Illinois 60605.

Location of Public Hearing in San Francisco, Calif. is: Hyatt on Union Square, Dolores Room, Post & Stockton Streets, 2nd Lower Level, San Francisco, California 94108.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearings Management), Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3757.

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, Room B-110, Washington, D.C. 20461, (202) 653-4055.

Albert F. Bass (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street N.W., Room 7108, Washington, D.C. 20461, (202) 653-3286.

James K. White (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 5E-074, Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Need and Direction for Change.
- III. Discussion of the Proposed Rule.
- IV. Summary of Comments.
- V. Summary of Regulatory Analysis.
- VI. Summary of Draft Environmental Impact Statement.
- VII. Comment and Hearing Procedures.

Section I—Background

Prior to the enactment of the Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101, *et seq.* (DOE Act) in 1977, establishing the Department of Energy (DOE), the Federal Power Commission (FPC) exercised exclusive jurisdiction over natural gas curtailments under the Natural Gas Act, Pub. L. 75-688, as amended 15 U.S.C. 717 *et seq.* (NGA). Natural gas curtailment priorities applicable to interstate pipelines were considered on a case-by-case basis under the guidelines set out in FPC Order No. 467-B (38 FR 6386, March 9, 1973) and several companion orders issued in 1973 and 1974. Order No. 467-B, codified in 18 CFR 2.78 sets out nine priority-of-service end-use categories for determining the order of curtailment of natural gas deliveries by interstate pipelines, generally ranking residential and small commercial uses in the highest priorities (that is, last to be curtailed) and interruptible large volume boiler-fuel industrial uses in the lowest, first-curtailed priorities.

The Order No. 467-B priority of service categories apply only to the volumes of gas delivered to the customers of interstate pipelines. These customers are generally local distribution companies that resell the gas to their end-use customers, but they may also include direct industrial customers, as well as other interstate pipelines that in turn sell to distribution companies for resale. The deliveries and curtailments of gas by the distribution companies to their end-use customers are subject to the jurisdiction of state regulatory agencies. The Commission assumed only limited jurisdiction over curtailment priorities and stated in its Order No. 467 that " * * * certain sales to ultimate consumers are beyond our jurisdiction. In those instances, we solicit the cooperation of State authorities to aid implementation of this problem."

Under the DOE Act, the Federal Government's jurisdiction over natural gas curtailments under the NGA is divided between the Secretary of Energy and the Federal Energy Regulatory Commission (FERC). Sections 301(b) and 402(a)(1)(E) assign the Secretary of Energy full responsibility concerning "the establishment and review of priorities for such curtailments." The Secretary delegated this authority to the Administrator of the Economic Regulatory Administration (ERA) (DOE) Delegation Order No. 0204-4, October 1, 1977, 42 FR 60726, November 26, 1977). The FERC has responsibility for "the establishment, review and enforcement of curtailments." In addition, any DOE rule on curtailment priorities is subject to the FERC's review and concurrence under Section 404 of the DOE Act.

We interpret the responsibility given DOE in the DOE Act for "the establishment and review of priorities" as a mandate to review the entire Federal natural gas curtailment priority system and related issues. Title IV of the Natural Gas Policy Act, Pub. L. 95-621, 15 U.S.C. 3301 *et seq.* (NGPA) vested in the Secretary an additional mandate to issue rules concerning curtailment priorities for natural gas used for essential agricultural, feedstock and process uses. This mandate further refined the objectives of the ERA review.

Sections 401 and 402 of the NGPA direct the Secretary to prescribe rules which identify and rank three categories of natural gas usage: (1) high-priority, (2) essential agricultural, and (3) essential industrial process and feedstock use. Under Section 401, the Secretary of Agriculture is to certify natural gas requirements for essential agricultural uses. Section 403 directs the FERC to implement the rules prescribed under Sections 401 and 402.

On March 9, 1979, pursuant to Section 401 of the NGPA, the ERA issued a final rule governing curtailment priorities for essential agricultural uses applicable to the curtailment plans of interstate pipelines (44 FR 15642, March 15, 1979). The substance of that rule, with certain modifications discussed below, is incorporated in this proposed rule. On May 2, 1979, the FERC issued Order No. 29 (Docket No. RM 79-15), a final rule designed to assure adequate supplies of gas for essential agricultural users and incorporating by

reference the ERA's final rule and the certification of essential agricultural uses and requirements by the Secretary of Agriculture. The Department of Agriculture, on May 11, 1979, issued a final certification rule establishing categories of essential agricultural users and the natural gas requirements for such users, as required by Section 401 of the NGPA.

The NGPA required that the Secretary of Energy issue the rule pertaining to essential agricultural use under Section 401 within 120 days of enactment, but placed no time requirement on the issuance of the rule under Section 402, concerning essential industrial process and feedstock gas uses. The Section 402 rule is also a part of the rulemaking being proposed at this time.

On March 13, 1979, the ERA issued a Notice of Inquiry (ERA Docket No. ERA-R-79-10, 44 FR 16954, March 20, 1979) concerning its "Review of Natural Gas Curtailment Priorities and Certain Other Related Gas Issues under the Natural Gas Act and the Natural Gas Policy Act." Another notice of inquiry, concerning the use of the Federal curtailment priority system to provide an incentive for coal conversion and the production of heavy oil, was issued on October 18, 1979 (ERA Docket No. ERA-R-79-49, 44 FR 61243, October 24, 1979). Comments in response to these notices of inquiry have been received and reviewed. In addition, ERA prepared a Draft Environmental Impact Statement (DEIS) and a draft Regulatory Analysis (RA) on this subject and they are available to the public. The findings from the DEIS and RA, as well as the comments from the notices of inquiry, were considered in developing this proposed rule.

Section II.—Need and Direction for Change

Our studies and analysis of the comments received in response to our two NOIs indicate that the present Federal curtailment priority system is (with the modifications discussed in Section III) adequate for managing long term and seasonal gas shortages at the interstate pipeline level. This is particularly true given the availability of the emergency powers provided to the President in Title III of the NGPA. Our studies also indicate that the most significant potential for further reducing the dollar costs of natural gas curtailments involves the movement of gas between systems and encouraging changes in the way curtailments are managed at the burner tip through the establishment of market or pricing mechanisms. These benefits cannot be achieved by the establishment of Federal curtailment priorities. The changes would require Federal and State actions and the integration of other aspects of natural gas regulation, such as rate structure, at the distribution company level.

A. Benefits from Changing Present Priorities Would Be Limited

Past Federal curtailment priorities, such as the 467-B system, are based in large part on the concept of end use. This concept assumes that the dollar cost of curtailment is relatively consistent within any particular class of end use and that the more costly the curtailment

is to that end use, the more economically valuable a user's gas service in that class. Both State and Federal priority systems have traditionally placed the economically highest valued use in the highest priority.

The most economically efficient curtailment system is the one which most precisely recognizes the cost of curtailment to the end use customer. Priorities under the present system have been established to reflect variations in the cost of gas curtailment to customers (within the practical limits of end use classification), as well as consideration of certain health and safety factors and of distinctions between firm and interruptible service.

However, our findings indicate that there are actually widespread variations in the dollar cost of curtailment to users within the same end use category. For example, customers within the same category of gas use often exhibit wide differences in efficiency and type of alternate fuel burning equipment, in prices paid for alternate fuels, in the costs of rescheduling production, and in lost production and markets caused by interruptions in gas supply. Given these wide variations in costs among users with the same end use, further changes in curtailment priority designations to delineate end uses more perfectly have limited potential for reducing costs of curtailment.

Our regulatory analysis indicates that there is a high degree of user familiarity with the existing system of Federal priorities and the plans implementing them, which is advantageous. Major changes to this system can create uncertainties that could lead to unnecessary expenditures by gas companies for supplemental gas supplies and facilities and by end use gas customers for additional alternate fuel supplies and equipment. Not only are there limited gains to be made within the current system by significantly changing present Federal priorities, but there also could be added costs incurred.

Further, the results of the regulatory analysis suggest that negative economic effects, similar to those observed when modeling a rolled-base period, would result from exercising burner-tip control or allocating interstate supplies based on total supplies available to the distribution companies serving an end user. Self-help efforts and established patterns of gas usage would be undermined, adversely affecting related financial investments and increasing the costs on some gas systems without necessarily allocating gas to those end users who have higher costs of curtailment. These negative effects could be minimized where buyers and sellers could voluntarily shift gas at mutually agreed upon prices. But, in mandating these shifts of gas, assuming the statutory authority to do so exists, considerable administrative and equity problems would be encountered.

According to the regulatory analysis, there is some potential for reducing the costs of the present system for managing curtailments if classification of customers' gas usage based on their cost of curtailment could be improved. However, improving the gas usage classification of end users according to precise definitions can be costly and would have practical limitations, due to the large

number of users involved and the wide variation in types of customer usage and in the costs of curtailment within categories of use. There may be a potential for improving present classifications in a different fashion. This percentage limit option is discussed in the next section. While this type of approach might not be appropriate for all systems, it gives some added flexibility in coping with severe emergencies. States and distributors might want to consider the utility of this approach for their own needs when revising or establishing their own curtailment plans.

We have also considered whether there may be some other overriding policy concerns that would cause us to change the present priorities. Could the present priorities be structured in a manner that could facilitate movement to other forms of energy? This issue was addressed in the March 13, 1979, and October 18, 1979, NOIs previously referred to in the "Background" section of this Notice. The October 18, 1979, NOI examined the specific issue of providing access to "cheaper gas" by changes in the curtailment priorities of electric utilities, heavy oil producers and possibly industrial customers that demonstrate the potential for increased coal conversion and heavy oil production. This NOI also proposed a more limited option in the form of a FERC transportation rule permitting interstate access to user-owned off-system gas supplies as an interim measure pending the completion of conversion to coal or other non-petroleum fuel.

Based on the almost unanimous conclusion by the commenters that no positive benefits would result from the proposed option of providing higher priority gas as an incentive to increase conversion to coal and the production of heavy oil, we are not including any such provision in our proposed rule. Commenters pointed out that the purchased-gas-adjustment clauses of most electric utilities would not permit the savings from any reduced cost of fuel to be utilized for capital formation; that the amount of any savings would be insignificant in comparison to the capital costs of coal conversion; that higher priority access to natural gas may operate as inducement to delay coal conversion unless significant penalties are involved; and that natural gas would be diverted to lower valued uses and result in higher costs to other users.

While a FERC transportation rule, as opposed to a rule assigning a higher curtailment priority, would cause less disruption to the gas supplies of other users, the commenters indicated that there was a danger that over a long term such a rule could permit utilities to compete with interstate pipelines for limited gas supplies, possibly jeopardizing service to existing customers. Again, almost none of the commenters thought there would be any benefit in the form of increased or more timely coal conversions.

The comments concerning the option of assigning a higher priority for gas used in the production of heavy oil expressed the view that this idea must be worked out with the regulatory commissions of the involved States. There are also significant policy questions as to whether or not a positive

energy balance could be achieved from this approach. Accordingly we are taking no further action in this Docket No. ERA-R-79-49 and we consider it to be closed. A more detailed summary of all the comments will be made available to the public in that docket.

While our findings indicate no valid economic or policy reasons for making major changes to the existing Federal priorities in contrast to the benefits to be gained from broader pricing changes, there was some concern, expressed by the commenters to our NOI, that we might be legally required to do so. The United States Court of Appeals for the District of Columbia in the *State of North Carolina and North Carolina Utilities Commission v. The Federal Energy Regulatory Commission*, 584 F.2d 1003 (D.C. Cir. 1978) raised questions concerning FERC Order No. 467-B type curtailment priority plans which generally employ a set or fixed base period as the basis for allocating gas to establish priority categories. The Court attempted to separate the issue of establishing priorities, set on end use considerations, from the implementation mechanism chosen by the FPC to enforce those priorities. But the types of questions the Court raised cast doubt on whether any Federal priorities could be implemented without consideration being given to all the supplies available to an end user or without exercising direct Federal control at the burner tip. However, the Court, in the end, only required that the actual impacts of imposing priorities using set base periods be studied and considered by the FPC in approving an interstate pipeline's curtailment plan.

Subsequent to the *North Carolina* decision, Congress passed the NGPA. The priorities mandated in Sections 401 and 402 of Title IV of the NGPA required certain changes to the curtailment plans of interstate pipelines. For the first time, parts of the "467-B" end use system were established by law. Hence, as many of the commenters to the NOI pointed out, the passage of the NGPA resolved many of the questions initially raised by the *North Carolina* decision. In addition, there were indications in the Conference Report accompanying the NGPA that, at least as it applied to passage of the essential agricultural rule in the statutory 120 days, the new curtailment priorities should be implemented in a manner which did not throw "existing curtailment plans into disarray." The conferees also did not consider it necessary to adopt a new base year for all curtailment plans in order to implement the essential agricultural rule.

B. Market Mechanisms Offer Greatest Benefits

Our review found that economic costs of curtailment are reduced when gas is permitted to move from customers with lower costs of curtailment to those with higher costs of curtailment. The greatest benefits can be achieved when gas is moved between systems. Our studies indicate that a pricing system has the greatest potential of any alternative examined for achieving these benefits since it provides a means to move gas to the industrial end users who value it most, while avoiding the costs associated with mandated shifts of supply. However, the

actual effectiveness of a pricing system would depend on devising a practicable, efficient (non-costly) and equitable mechanism for implementing it.

An effective pricing system would allocate gas to end users on the basis of the price they would be willing to pay. The theory is that users would pay for gas up to the price that it would cost if their gas supplies were curtailed. Customers could signal changes in the values they place on additional gas supplies as their level of curtailment and costs of fuel substitution changed. In this way, a pricing system could more precisely allocate gas to those customers who experienced the highest economic cost of curtailment, without direct Government involvement.

In order to take advantage of the potential for more precisely reflecting the costs of curtailment without incurring the adverse costs of disrupting present user supply arrangements, however, pricing would need to be implemented at the burner tip. Consequently, much of the action required to implement an effective pricing system would have to be taken by the States. Federal aid towards implementing such a system likely would consist of eliminating regulatory barriers, especially at the pipeline level, which would prohibit pricing systems from emerging. There appear to be no practical alternatives for implementing a pricing system using Federal authority only.

Even without the introduction of pricing mechanisms, changes that would facilitate the movement of gas between systems under the current regulatory system potentially could save in the order of magnitude of \$1 billion. The authorities in Title III of the NGPA provide for moving gas between systems during emergency natural gas supply shortages and also facilitate the movement of natural gas generally between the interstate systems subject to Federal jurisdiction and the intrastate systems subject to State jurisdiction. Such gas shifts serve to make the depth of any shortage less severe, thereby reducing costs. Our review indicates that sales of excess gas between systems should be encouraged and facilitated during lesser periods of curtailment to obtain economic benefits.

The FERC already has moved in this direction with the passage of rules pursuant to the authorities of Sections 311 and 312 of the NGPA (18 CFR, Part 284, Subparts A-E). The Commission has also recently issued regulations indicating its willingness to issue blanket transportation certificates to interstate pipelines to transport gas for each other and "Hinshaw-type" pipelines.

C. Proposed DOE Actions

In summary, there are limited economic benefits from further refining the current end use priority system. However, significant benefits could be achieved if Federal and State authorities make regulatory changes that carefully move the system towards one based on pricing. The mechanisms for accomplishing these goals are inextricably tied to FERC and State authorities. Therefore, apart from the changes we are required to make by NGPA Sections 401 and 402, we are proposing only minor modifications to the

present system of curtailment priorities. These are discussed in detail in the next section of this Notice.

We will direct our future efforts towards encouraging the continuation and expansion of current FERC efforts to facilitate sales of surplus gas between pipeline systems. We will also work with the FERC and the States to develop effective pricing mechanisms and to seek ways of gradually introducing them into the current market, while protecting contracts and property rights.

Successful implementation by several States of bidding systems or other kinds of pricing mechanisms might bring about support for, or at least suggest the possibility of, reduced regulatory restraint on sales of gas between distributors. These inter-system sales could lessen the need for curtailment plans by improving supply in heavily curtailed areas. Regulatory and even legislative changes may be needed at both Federal and State levels before this could occur.

ERA will also study how gas rate designs might lessen curtailment cost. Section 601 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617) (PURPA) requires that the "Secretary, in consultation with the commission and appropriate State regulatory authorities and other persons, shall conduct a study concerning the effects of provisions of Federal law on rates charged by State utility agencies." The initial study, to be submitted to Congress in May, does not focus on curtailment issues. We propose to do additional studies that will examine how gas rate structures might be used to reduce the cost of curtailment by recognizing market forces. For instance, what would be the effect of assigning rates in accordance with curtailment categories, so that the higher a user's priority, the higher the cost of service?

We will work closely with the FERC and States on all these matters and, when appropriate, will exercise our Section 403 authority under the DOE Act to propose specific rules to the FERC for its consideration and action. We seek your comments, not only on the changes to the Federal curtailment priority system proposed in this Notice, but also on our intended efforts to move further in the direction of greater reliance on pricing mechanisms and increased sales between systems to better manage natural gas curtailments.

Section III.—Discussion of the Proposed Rule

Our proposed rule establishes natural gas curtailment priorities which ERA has determined are just and reasonable within the meaning of Sections 4, 5, and 7 of the NGA. When effective, these rules will be binding on all interstate pipeline companies. Nevertheless, the FERC, in implementing these rules, will have sufficient flexibility to consider the circumstances of individual interstate pipelines.

In developing the proposed rule, ERA considered the following factors:

1. The comments received in response to our notices of inquiry issued in March 13, 1979 and October 18, 1979. The comments in response to the March 13, 1979, NOI are summarized in section IV of this Notice.

2. Our responsibility under the DOE Act to review and establish curtailment priorities.

3. Our responsibilities under the NGPA to issue rules establishing priorities for essential agricultural and industrial process and feedstock users. In establishing these priorities, Title IV of the NGPA requires the establishment of a high-priority category as the first priority (*i.e.*, the last category to be curtailed), followed by essential agricultural uses as the second priority, and essential industrial process and feedstock uses as the third priority. The NGPA does not address priorities for uses of natural gas other than the three named.

4. The FERC's policy statement on curtailment priorities, *i.e.*, Order 467-B *et al.*, and the experience and the years of litigation involved in developing curtailment plans currently being used by the interstate gas pipeline companies in this country. Furthermore, we recognize that this litigation and the resulting plans involved many segments of the natural gas supply and demand chain, *i.e.*, the interstate natural gas pipelines, distribution companies, end-use customers, state and federal regulatory agencies and other interested parties.

5. The findings based on the analyses in our RA and DEIS, issued concurrently with this proposed rule.

We have concluded, based on our analysis and the comments, that the curtailment plans of interstate pipelines in effect on the date this rule is adopted, with modifications required by the rule, should continue to be used to distribute the pipelines' gas supplies to their customers during periods when there are insufficient natural gas supplies to serve the customers' requirements. In situations when the curtailment priority systems may not be effective to protect life, health or the maintenance of physical property, the emergency provisions of Title III of the NGPA can be invoked.

A section-by-section discussion of the proposed rule follows:

A. Section 580.01

Section 580.01 of the proposed rule explains that the purpose of the rule is to establish natural gas curtailment priorities for interstate pipelines consistent with DOE's responsibilities under the DOE Act and the NGPA.

B. Section 580.02

Section 580.02 defines terms used in the proposed rule, including the various types of natural gas uses assigned priorities, *e.g.*, residential use, essential agricultural use, essential industrial process use, and essential industrial feedstock use.

Except as specifically noted, the proposed definitions in Section 580.02 also include definitions from the present final rule concerning essential agricultural priorities and adopt in some cases the definitions used by the FPC (and now by the FERC) in conjunction with its Order 467-B policy guidelines. These last definitions appear in the Commission's "Rules of Practice and Procedure" (18 CFR 2.78). Both the definitions and the listing of curtailment priorities in our proposed rule reflect efforts to implement our responsibilities under the DOE Act and the NGPA while limiting changes in interstate pipelines' existing curtailment plans. We

believe the definitions and curtailment priorities set forth in our proposed rule accomplish this goal, yet are sufficiently broad to allow the FERC flexibility in implementing the rule.

1. "Commercial Establishment". Our proposed definition of a "Commercial establishment" is essentially the same as the FERC's definition of "Commercial" use (18 CFR 2.78(c)(2)). However, we have deleted the word "institution" from the FERC's definition because it appears to be redundant to "local, State and Federal government agencies." On the other hand, we have added the words "for sale" to the phrase "or the generation of electric power," in order to eliminate from this category commercial establishments that may use gas for on-site generation of electric power which is then sold.

In relation to this latter change, we considered whether excluding small commercial users (less than 50 Mcf on a peak day) that might generate some electricity for sale from the definition of "high-priority user" might adversely affect electricity supplies. We determined, however, that as a practical matter there was no small commercial production of electricity for sale. Our definition of "Commercial Establishment" also raised the question whether an establishment classified as commercial based on its use of natural gas should have its classification changed if it uses residual heat emanating from use of the gas to generate electric power. We decided that the primary use of the gas should be the determining factor in establishing curtailment priorities and that cogeneration activities associated with secondary use should not alter the basic classification.

2. "Curtailment" and "Requirements". Commenters to our NOI maintained that standard definitions for "curtailment" and "requirements" were not appropriate because of the varying circumstances among pipelines. Some stated that in the natural gas industry the term "curtailment" has generally covered any situation in which a gas company, because of shortages of supply or other factors, cannot make deliveries of gas to which its customers are entitled under applicable tariffs, service agreements and other governing instruments, such as curtailment plans. Therefore, the definition of curtailment may vary somewhat from pipeline to pipeline, as will the index from which curtailment is measured. Since we must define "Curtailment" in order to implement the NGPA priorities effectively, we have defined the term broadly, as "any situation where an interstate pipeline cannot make deliveries of all of its customers' requirements, including situations due to a lack of pipeline capacity." Capacity shortages have been included in the definition because the NGPA requires that high priority, essential agricultural, and essential industrial process and feedstock uses be protected from curtailment relative to other uses of natural gas and we interpret this mandate as applying to capacity shortages as well as supply shortages.

Commenters also suggested that "Requirements" must have the same meaning as in curtailment plans approved by the FPC

and the FERC, which usually provide for an actual base period use of gas. The commenters contend that customers' rights to gas can only be protected by having specific and accepted figures written into the curtailment plans which are filed as part of interstate pipeline tariffs. We agree with this premise and have defined "Requirements" as "the volumes of natural gas that a customer of an interstate pipeline is entitled to under that pipeline's curtailment plan." We believe that our definitions of both "Curtailment" and "Requirements" are sufficiently broad to cover the objections to standard definitions.

3. "Essential Industrial Process Use" and "Essential Industrial Feedstock Use" Section 402(c) of the NGPA requires that the Secretary (that is, Administrator, as the Secretary of Energy's delegate) "shall determine and certify [the FERC] the natural gas requirements (expressed either as volumes or percentages of use) of persons (or classes thereof) for essential industrial process and feedstock uses" other than use as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feeds or food. NGPA Section 402(d) defines "essential industrial process or feedstock use" as "any use of natural gas in an industrial process or as a feedstock which the Secretary determines is essential."

The definitions of "feedstock gas" and "process gas" presently being used in relation to curtailment plans filed with the FERC are expressed at 18 C.F.R. 2.78(c) (7) and (8), respectively, or the Commission's "General Rules of Practice and Procedure." "Feedstock gas" is defined as "natural gas used as raw material for its chemical properties in creating an end product." "Process gas" is defined as "gas use for which alternate fuels are not technically feasible such as in applications requiring precise temperature controls and precise flame characteristics."

A number of commenters recommended the continued use of the FERC's definitions because these definitions have been used for several years and are familiar to the interstate pipelines and their customers, who have worked together with industry Data Validation Committees to categorize their end use customers' uses of natural gas into process and feedstock categories. Other comments suggest a definition of "essential industrial process use" based on the technology of gas-burning equipment, *i.e.*, where conversion to a fuel other than gas will require extensive replacement or modification of equipment or cause deterioration in the quality of the resulting products, or where a direct flame is involved in the application.

Commenters also suggested that natural gas used for ignition, startups, testing and flame stabilization should be included in the "essential industrial process use" category. They pointed out that these uses were exempted by Congress in Sections 607(e) of the PURPA and 103(a)(15) of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95-620 (FUA), from prohibitions on the boiler fuel use of natural gas.

In attempting to achieve a definition of essential industrial process use, we considered three approaches as follows: (1)

definition by product, *e.g.*, by reference to Standard Industrial Classification (SIC) codes, which the Secretary of Agriculture used in defining "essential agriculture use"; (2) definition by equipment, *e.g.*, by reference to the use of furnace kilns and ovens; and (3) definition by process, *e.g.*, by reference to the processes of drying, annealing and fabricating. Our RA found that each of these ways is in some respect inadequate, because of a lack of precision in identifying the high-priority gas that this category is supposed to represent. We concluded that satisfactory precision in identifying essential industrial process uses can be attained only on a case-by-case basis, and that a narrow definition, such as one based on the technology of the equipment and the magnitude of conversion costs, could reduce gas curtailment shortage costs by giving a higher priority only to very select uses. Conversely, our analysis finds that using a broader definition such as one based on SIC codes, is likely to increase the economic costs of curtailments.

Hence, our definition of "essential industrial process use" consists of three tests. The first test relates to the technology of the equipment, and includes certain gas uses which the commenters and our RA indicate are "process uses." The three aspects of this test are where "(1) a direct flame or precise flame characteristics are required; (2) precise temperature controls are required; or (3) the gas is used in the necessary processes of ignition, startup, testing or flame stabilization." The second definitional test is that these uses are considered to be "essential," only in situations where conversion to a fuel other than natural gas would cause a significant deterioration in the quality of the product resulting from the industrial process or would require costly modification to or costly replacement of equipment. The third test requires the FERC to determine that use of a fuel other than natural gas is neither economically practicable nor reasonably available as an alternative.

The definition of "essential industrial feedstock use" is based on the Order No. 467-B definition, with the addition of the FERC-implemented alternate fuel test. The comments and our RA indicate that it is simpler to identify feedstock use than process use and both indicate that the traditional Order No. 467-B definition of feedstock use is adequate.

4. "High-Priority User".—We have in this proposed rule the same definition of "high-priority user" which is in our present rule on essential agricultural uses. However, some of the commenters questioned whether we should include as high-priority users the manufacturers of products which are considered to be essential. The preamble to our final rule on curtailment priorities for essential agricultural uses (44 FR 15642, March 15, 1979) states that "we do not have sufficient information at this time to warrant expanding the definition of protection of life, health and property to include the manufacturing of specific end products, such as pharmaceuticals." We did not have then, nor do we now have, sufficient justification to warrant the use of an end-product approach for determining "high-priority

users." To include the manufacturers of one end-product, such as pharmaceuticals, as "high-priority users" would require a comparative analysis of the relationship to "life, health and maintenance of physical property" of many other end products. We agree with the conclusion of the March, 1977 Natural Gas Survey Report to the Federal Power Commission, submitted by the Technical Advisory Committee on Curtailment Strategies, that with our highly integrated economy in which the output of particular products is likely to depend upon a host of other products and activities, any efforts to rank natural gas curtailment priorities according to the importance of end products derived by the use of gas would be hopeless.

Our proposed rule does enable any individual manufacturer to seek relief pursuant to the emergency procedures provided by the FERC's regulations (18 CFR 2.78 (a) (4)), which we have specifically incorporated by reference in § 580.02(b) (10) (iv) of the proposed rule. Moreover, the adjustment procedures provided by Section 502(c) of the NGPA are available as a means of seeking relief from hardship. Also, states may provide relief mechanisms to individual users. We assume that the FERC would also continue to provide procedures under 18 CFR 2.78(b) for filing requests for relief from curtailment "upon a finding of extraordinary circumstances after hearing initiated by a petition filed under Section 1.7b" (18 CFR 2.78(a) (2)).

C. Section 580.03

1. Section 580.03(a). Section 580.03(a) requires that the curtailment plan of each interstate pipeline must contain the five priority-of-service end-use categories there specified, except as provided in subsections 580.03(g) and (h). As mentioned before, Priority One (high-priority uses), Priority Two (essential agricultural uses) and Priority Three (essential industrial process and feedstock uses) are required by sections 401 and 402 of the NGPA.

For purposes of determining how uses other than those specified in Priorities One, Two, and Three should be treated, including those agricultural, process and feedstock uses for which the FERC determines that alternate fuels are reasonably available and economically practicable, the comments and our RA support employing the capability to use alternative fuels as a factor for assigning priority categories. The RA concluded that larger-volume users have lower economic costs of fuel substitution per unit of gas used than smaller-volume users. Since our general approach to curtailment favors minimizing the economic costs of curtailment, we have used this cost of substitution approach as the basis for establishing categorical distinctions for Priorities Four and Five.

The comments point out that it is almost impossible logistically for an interstate pipeline to curtail, on a short-term basis, any customer using less than 300 Mcf per day. This volumetric grouping of customers includes most of the large commercial and small industrial customers and we have presumed that these users do not have alternate fuel capability. Thus, we have

concluded that Priority Four should include all natural gas users not specified in Priorities One, Two or Three, with requirements of at least 50 Mcf, but less than 300 Mcf, on a peak day. Priority Five includes all other uses not included in Priorities One, Two, Three or Four. This is consistent with the comments to our NOI, which recommended that curtailment priorities should distinguish between larger-volume and smaller-volume users. Priority Five includes four subpriorities based on differences in volumes of requirements for these larger-volume users. We have adopted the different volumetric levels provided for in the FERC's Order No. 467-B policy statement (18 CFR 2.78), but other ranges may be used in a pipeline's curtailment plan if it can be demonstrated to the FERC that they are just and reasonable.

As previously mentioned, NGPA Section 402 requires that the Secretary not only define "essential industrial process and feedstock use," but also to certify to the FERC the natural gas requirements for such uses. One issue raised by that mandate is whether Congress intended to provide for increased volumes of use (load growth) by essential industrial process and feedstock uses. The preamble to the FERC's final rule for the implementation of NGPA Section 401 (Order No. 29, issued May 2, 1979 (44 FR 26855, May 8, 1979)) states "the Commission's reading of the NGPA and the many comments and legal analysis provided it in the extensive record in this proceeding leads [sic] it to the conclusion that some agricultural load growth was intended by Congress" for essential agricultural uses. Accordingly, FERC incorporated by reference the U.S. Department of Agriculture rule which gives effect to load growth. In this respect, FERC was acting consistently with the language in NGPA Section 401(c) requiring the Secretary of Agriculture to certify to the FERC and DOE the natural gas requirements for essential agricultural use in order to meet "full good and fiber production." The FERC in its Order No. 29 authorized essential agricultural users, when applicable, to receive additional volumes of gas under curtailment plans with fixed base periods, *i.e.*, to receive contract volumes instead of base period requirements. Our proposed rule recognizes this determination by the FERC by not limiting essential agricultural uses (Priority Two) to base period volumes.

We do not, however, interpret Section 402 of the NGPA as recognizing similar load growth for essential industrial process and feedstock uses other than those related to the agricultural activities listed in Section 401(f)(1)(B), and comments to our NOI support the view. Therefore, our proposed rule certifies to the Commission that the natural gas requirements for essential industrial process and feedstock uses are the volumes that these users are entitled to under the curtailment plans to interstate pipelines, determined by using a fixed base period. Essential agricultural users which might otherwise qualify as essential industrial process and feedstock users are of course treated in Priority Two and therefore their requirements are not restricted to a fixed base period.

2. *Section 580.03(b).* Section 580.03(b) requires that complete curtailment of lower

priority category volumes be made before curtailment of any higher priority volumes may begin. However, our RA found, based on surveys of industrial consumers, that on certain gas systems, curtailing only a certain percentage (e.g., 80 percent) of a priority-of-service category, instead of 100 percent, could reduce the costs of curtailment. Retention of a small amount of gas in one category is often critical in helping an end user to cope with a shortage and could prevent shutting a plant down or drastically reducing its output. Our analysis found that the costs of coping with the loss of the last increment of natural gas in a priority category (e.g., 20 percent) are many times higher than those resulting from curtailment of the rest of a user's requirements in that category.

Therefore, the proposed rule allows an unspecified portion of the requirements for Priority Five, or any of its volumetric subcategories, to continue to be served even while a higher priority category or subcategory is being curtailed, if it is demonstrated to the FERC that such delivery in individual situations is just and reasonable. Because of the statutory protection given the first three priority categories by the NGPA, however, all the requirements for Priority Four must be curtailed before a pipeline may curtail deliveries for essential industrial process and feedstock uses (Priority Three).

3. *Section 580.03(c).* Concerning whether we should recognize a distinction in curtailment users based on firm or interruptible service, some commenters pointed out that the NGPA is completely silent on this question and that we must assume that Congress intended to maintain the *status quo*, *i.e.*, to decide on an individual pipeline basis, as the FERC has done in the past. Others pointed out that differences in interpreting this distinction would cause difficulty in implementing a rule of general applicability. They also mentioned that interruptible contracts are important because they facilitate load balancing, *i.e.*, management of supply and demand.

As some commenters and our RA indicate, there are numerous differences among interstate pipelines in terms of their treatment of firm and interruptible service, based on such factors as location and types of supplies, geographic territory serviced, load characteristics, operating practices, and climatic conditions encountered. Furthermore, the FERC has recognized this premise in Opinion No. 754, *Panhandle Eastern Pipeline* (Docket No. RP71-119) issued on February 27, 1976, in which it approved the elimination of the firm/interruptible distinction from Panhandle Eastern's curtailment plan. However, it should also be noted that in other curtailment cases decided after *Panhandle*, the FERC approved the retention of the firm/interruptible distinction.

Based on our review of the comments and consideration of the findings from our RA, we conclude that in an end use type curtailment plan, such as the one proposed by this rule, no distinction should be made between firm or interruptible service. Making such a distinction is not in accord with the theory behind an end use plan. Moreover, it is not in

accord with the most useful system for managing curtailments, which is that natural gas uses should be grouped and given priority according to their economic costs of converting to another fuel. It is our judgment that the NGPA precludes such a distinction for the first three priorities. However, our proposed rule provides that such a distinction may be made with regard to Priorities Four and Five, if it is demonstrated to the FERC that the method is just and reasonable for a pipeline's particular circumstances.

4. *Section 580.03(d).* The proposed rule adopts a procedure for handling storage injections which is the same as that in our present rule on curtailment priorities for essential agricultural users. Interstate pipelines may inject natural gas into storage or deliver gas to their customers for storage injection, unless it is demonstrated to the FERC that such treatment is not reasonably necessary to meet the requirements of high-priority and essential agricultural, process and feedstock users in their respective order of priority. Since storage is an extremely important component of a pipeline's operations, this treatment will give sufficient flexibility to allow the filling of storage during the summer in order to protect gas service to higher priority users during the winter.

Some commenters suggested that all pipelines be required to use "storage sprinkling," whereas others favored the "block" method. However, most agreed that the major purpose of storage injections is to protect high priority customers and that either method would do this. We see no valid reason to mandate that all pipelines use one method or the other or to conclude that one of these methods is better than the other for a particular pipeline system. Hence, the proposed rule does not specify a method.

5. *Section 580.03(e).* As pointed out in Section IV of this proposed rule, several respondents used the NOI comment process to raise specific issues or concerns not listed in our NOI. For example, a group of small municipal distribution systems recommended that ERA issue a rule that would incorporate into any interstate pipeline company's curtailment plan a standard small customer exemption provision. These respondents claim that this type of provision is "part and parcel of virtually all pipeline curtailment plans," but that the terms and conditions of these existing small customer exemption provisions vary greatly. They claim that the present provisions "provide woefully inadequate protection," due to the lack of leverage of small customers as to the plans filed by their pipeline suppliers and in settlement proceedings with other parties. They pointed out that although the Commission's case-by-case approach to curtailment proceedings has succeeded in demonstrating that small customers are indeed a class distinct from large customers, it has failed to develop a standard small customer exemption provision that truly reflects the vast differences between the two distinct classes of customers.

While the respondents' suggestion for a standard small-customer exemption may appear to have merit, it does not address the problem of whether such a standard

provision should be equally applicable to all pipelines, since the size of a "small" customer is a matter relative to the size of other customers, and such a designation will vary among individual pipelines. Therefore, at Section 580.03(e) of the proposed rule, we have included a provision stating that "[n]othing in this rule shall prohibit an interstate pipeline from continuing to serve any or all of the requirements of a customer which is a small local distribution company when the requirements of other customers are being curtailed, if it is demonstrated to the Commission that it is just and reasonable." We have not defined the term "small local distribution company," so that the FERC will have ample flexibility in implementing this provision.

6. *Section 580.03(f).* We have received inquiries from the public asking whether we intend to provide an incentive to cogeneration activities by giving higher priorities to the use of natural gas in facilities which cogenerate with residual heat from the use of gas. This issue is addressed by Section 580.03(f) of the proposed rule, which states that "[t]here shall be no differentiation in curtailment plans among natural gas users or uses based on any cogeneration activities by gas users." We realize that cogeneration activities make more complete use of an energy source and should be encouraged, but we do not believe natural gas curtailment plans are the proper vehicle for providing such incentives. There is a potential for conflict between providing incentives for cogeneration and the basic purpose of a curtailment plan, which is to manage the use of gas during curtailments so as to reduce the impacts of the shortage. Furthermore, in addition to the implicit economic incentives for a gas user to engage in cogeneration activities, statutory authorities provide other incentives for cogeneration activities, e.g., Section 210 of the PURPA and Sections 212(c) and 312(c) of the FUA.

7. *Section 580.03(g).* Most of the commenters to our NOI favored retaining the fixed base period concept, which is currently used by most interstate pipelines with curtailment plans. It was argued that if the fixed base period concept used in existing curtailment plans of interstate pipelines were to be altered, the self-help measures undertaken by these pipelines' customers, often at tremendous cost, would in effect be appropriated for the benefit of other utilities and their customers. As the comments indicated, there are many advantages to the use of a fixed base period that support not altering the procedure. For example, a fixed base period:

1. Provides certainty and administrative simplicity to a curtailment plan;
 2. Provides an incentive for conservation practices;
 3. Provides an incentive for minimizing low priority usage;
 4. Encourages self-help methods; and
 5. Provides stability for planning purposes.
- Furthermore, our RA estimates that it could cost the industry in the order of magnitude of \$200 million if the concept of rolling or updating the base period every two years, to adjust for load growth and other changes, was required of pipelines presently using fixed base periods.

Some commenters contended that the use of a fixed base period concept prevents load growth. However, we agree with the comments others that a fixed base period does not prevent load growth altogether, because customers may upgrade their loads within their own systems by adding high-priority loads at the expense of their own existing lower-priority customers or by obtaining supplemental gas supplies. Thus, the fixed base period procedure controls growth and at the same time removes the incentive for distributors to compete for interstate pipeline supplies by enlarging their higher-priority obligations and thus defeating the self-help efforts of other customers. We also agree with the comments that any alteration of base periods should be approached on the basis of all the facts surrounding the operations of an individual pipeline in providing service to its customers. Therefore, Section 580.03(g) does not preclude an interstate pipeline from rolling or updating its base period, if it can be demonstrated to the FERC that to do so is just and reasonable.

8. *Section 580.03(h).* Section 580.03(h) states that "[n]othing in this rule requires that a curtailment plan in effect on the date of adoption of this rule be changed, except to the extent that changes are necessary to protect Priorities One, Two and Three from curtailment." The purpose of this subsection is to make it clear that the presently effective curtailment plans or interstate pipelines need only be changed to the extent necessary to implement the statutorily required priorities.

While the comments and the RA support the conclusion that the proposed rule reflects a curtailment system that would cause the least economic costs of curtailment, we do not believe that change solely for the sake of change is warranted. The administrative costs related to making unrequired changes may well outweigh the economic benefits to be gained. Hence, it is not our intention to require that existing, effective curtailment plans be changed, except to the extent that modifications are necessary to protect the first three priorities. However, in protecting Priorities One through Three, should other changes become necessary, they should comply with the provisions of this rule.

Any pipeline that does not have an effective curtailment plan on the date the final rule becomes effective and which later files a curtailment plan with the FERC as part of its tariff will be required to comply with the provisions of this rule. Likewise, any interstate pipeline that has an interim or temporary plan in effect should plan to modify its permanent curtailment plan to comply with these provisions.

9. *Section 580.03(i).* Section 580.03(i) expressly provides that where an essential agricultural user, as defined by this proposed rule, also qualifies as a high-priority user under this rule, it shall be considered a high-priority user rather than an essential agricultural user.

Section IV.—Summary of Comments

In the NOI published in the Federal Register on March 20, 1979, ERA solicited comments on twenty-two issues related to the review and establishment of natural gas curtailment priorities. Over seventy-five

written comments were received in response to our NOI. While all the comments were considered in the drafting of our proposed rule, it is impractical to try to address each issue separately. Therefore, only the major issues are discussed below. The actual comments and a more detailed summary of the comments are available to the public in ERA's Office of Public Hearing Management. For address see "Addresses" section of this proposed rule.

A. Relationship of Emergency Authorities to Curtailment Priorities

The general comment from most pipelines and distributors on the relationship between the emergency purchase and allocation authorities in Title III of the NGPA and the federal curtailment priority system is that the two are distinctly separate. They observe that curtailment priority policies deal with the on-going problem of allocation of an insufficient gas supply whereas the emergency authorities deal with the means to cope with any sudden, severe gas shortage that threatens high priority users and that persists even after all other routine curtailment remedies have been exhausted. The clearest concern of the commenters is that pipelines and distributors remain free to exercise voluntary means, such as storage development, interpipeline brokerage, direct purchase by users, and synthetic natural gas production, to respond to a general shortage situation. Their opinion is that emergency authorities should be held in restraint and only be invoked by the President when clearly needed.

Comments on the issue of the adequacy of the present federal curtailment priority system fall into two categories: (1) those pipelines, distributors and state regulatory agencies that believe the present curtailment priority system is adequate and that no further contingency plans are needed, and (2) those high priority users who had concerns about the security of their own gas supply during severe curtailments. Commenters arguing the first position claimed that the present curtailment priority system performed its task of allocation during periods of short supply and outlined voluntary coping methods developed by the industry, especially since the shortage during the 1976-77 winter. Freedom, flexibility and rapid responsiveness were seen as crucial to the adequacy of a curtailment system, and none of these respondents argued for any additional contingency plans. It was pointed out that any effective coping with a shortage would have to be tailored to the specific details of the shortage, which are not actually known until the emergency occurs.

Putting forward the second position, some higher priority industrial users commented that any priority system should require that during emergencies even high-priority customers with alternate fuel capability (e.g., hospitals) should be required to switch to alternate fuels or to reduce their gas usage. One commentator noted that it would be difficult to develop such a program at the federal level and suggested that local utilities be required to develop them. Furthermore, some one suggested that distribution companies be required to use additional

storage, rather than curtailable loads, as a cushion to protect their temperature sensitive loads, e.g., residential.

B. NGPA Implications for Curtailment

One of the issues raised in the NOI was whether existing end-use data is adequate to allow ERA to issue the essential industrial process and feedstock rule required by NGPA Section 402 and a rule dealing with other aspects of curtailment priorities. Most commenters stated that there is already enough data available through current reporting procedures and that any data needed by ERA to establish and review curtailment policies, or by the FERC to implement curtailment priorities, could be obtained, as needed, from the individual pipelines. One commenter did suggest that it was important to have actual end use and impact data prior to establishing the system of priorities, because these data could provide information concerning the efficacy of maintaining distinctions between low priority users.

On the issues of whether a distinction between firm and interruptible contracts should be made, commenters stated that distinguishing between priority users with firm contracts and interruptible contracts was inappropriate in regard to curtailment priority systems. They pointed out that such treatment is inconsistent with the theory of end-use type curtailment systems (e.g., the Order No. 467-B system), the present basis for Federal policy on curtailment priorities, and also inconsistent with the intent of Sections 401 and 402 of the NGPA. They commented that the lack of such a distinction should continue unless there is evidence on a case-by-case basis it would be in the public interest to depart from this approach. Some commenters pointed out that differences in interpreting this distinction by individual companies and in various regions would cause difficulty in implementing a rule of general applicability. Others argued that interruptible contracts are important, because they facilitate load balancing. Still others pointed out that the NGPA does not address the question of a distinction between users with firm and interruptible contracts and they interpreted this as support for the *status quo*.

C. Placement and Treatment of Natural Gas Uses in a Priority Scheme

A number of commenters, including distribution companies, pipelines, state public utility commissions and industrial end users, argued against subdividing broad categories of curtailment priorities. They suggested that all users should be treated equally within priority rankings and that any subdividing should be left to the Commission's discretion, if necessary to do so for an individual pipeline. One commenter stated that any benefit resulting from refinements based on subcategories would be outweighed by the administrative costs. Many commenters urged restraint in subdividing or ranking end-users beyond the requirements of Section 401 and 402 of the NGPA, pointing out that present curtailment plans represent years of litigation effort and that there should be minimal disruption of these plans. Several commenters favored a plan whereby all

users, except those placed in higher categories by Section 401 and 402 of the NGPA, would be grouped together and treated equally. Others recommended that a distinction be made based on the volume of gas used by customers, with larger-volume users curtailed prior to smaller-volume users.

Commenters suggested that our proposed rule defer all alternate fuel determinations to the FERC, because the Commission already has responsibilities assigned by law in this area. The NGPA gives the Commission the responsibility for determining whether alternate fuel capabilities exist as part of the determination of whether users will be included in the essential agricultural, feedstock, and process user categories for curtailment priority purposes. These commenters thought that allowing the FERC also to assume such responsibilities for uses not in the NGPA's mandated priorities would prevent conflicts, provide consistency and make the process easier to administer.

Concerning the proper placement in priority plans of users excluded from the NGPA Sections 401 (agricultural) and 402 (process and feedstock) priorities because of alternate fuel capability, several commenters suggested that these users should be placed in the priorities that they would occupy in curtailment plans but for Sections 401 and 402. Others suggested that all users that have alternate fuel capability, whether apartment houses, schools, hospitals, agricultural, commercial or industrial users, should be placed below essential industrial feedstock and process uses in curtailment plans. The reason given was that it was irrational to require an industrial manufacturer to shut down his plant when a user with alternate fuel capability is using gas.

On the issue of the treatment of gas injected for storage, comments varied, but generally concluded that the pipelines' traditional treatment of storage injection volumes for curtailment priority purposes is acceptable. One position taken was that storage injection requirements should be placed in the highest priority category. Furthermore, they said that whatever provisions are implemented on the priority of storage injection volumes should be sufficiently flexible to allow the FERC to take action as necessary to insure pipeline delivery of storage injection volumes. Commenters generally agreed that either the block method or storage sprinkling would protect high priority customers and that the present treatment of storage injections in pipeline curtailment plans have been effective in protecting high priority customers in the past. Generally, commenters agreed that the FERC should have the responsibility to determine the best treatment of storage injection volumes in regard to the curtailment plans of the various pipelines.

Most commenters thought that a ban on using natural gas as a boiler fuel should not be incorporated into any general curtailment priority rule. A variety of reasons were given, as follows: any ban would be an encroachment on state and local autonomy; load balancing considerations preclude a ban; self help efforts would be discouraged; effective end use curtailment can achieve the same goals; a local economy may be

dependent on a specific industry which requires low priority boiler fuel gas; and agricultural boiler fuel use is protected by Section 401 of the NGPA. Commenters also pointed out that Section 607 of the PURPA provides for a ban of the boiler fuel use of natural gas for electric powerplants and major fuel burning installations during a natural gas supply emergency declared by the President and Section 303 of the NGPA authorizes the President to allocate these gas supplies to high-priority uses. The commenters considered these potential avenues for banning low priority boiler fuel to be adequate.

Commenters from pipelines, distribution companies and industrial end users all agreed that on-site electric generation should not be given special treatment in the curtailment priority system. This is because many current curtailment plans favor lower-volume uses, such as on-site generation, over larger-volume uses, such as generation by electric utilities. On the other hand, commenters argued that there should not be any volumetric limitations on the use of gas for on-site generation. The commenters mentioned that where on-site use involves co-generation facilities the efficiencies are vastly superior to those of more conventional gas fired electric utility generating stations. They also noted that volumetric limitations would be inconsistent with the policies and objectives of FUA Sections 212(c) and 312(c), PURPA Section 210 and NGPA Section 208(c), each of which recognizes the desirability of co-generation.

D. Definitions of "Process Gas" and "Feedstock Gas"

Most commenters recommended that the FERC definition of "process gas" in 18 CFR 2.78(c)(8) be retained. One commenter, however, stated that the present definition for "process gas" is inadequate and that additional factors should be considered, such as the technology of existing gas burning equipment; whether a direct flame is involved in the application; whether conversion to another fuel would require extensive replacement or modification of equipment; and whether the use of an alternative fuel may cause deterioration in the quality of the product. Another commenter suggested that a clear definition is impossible. Others suggested that "essential process gas" be defined as all industrial gas not used for feedstock, plant protection or boiler and flame stabilization. A number of commenters recommended that users having the capability to substitute another fuel for gas should be given equal treatment regardless of whether the alternate fuel capability has been installed.

Most commenters agreed that the current FERC definition of "feedstock gas" in 18 CFR 2.78(c)(7) also should be retained. As most feedstock uses will be in the agricultural priority category and few such uses could employ substitute alternate fuels that are economically available, there appears to be a limited need for any change in the definition. Commenters agreed that ERA should certify the extent to which base period volumes attributable to feedstock should be considered "essential" and leave to the FERC

and State public service commissions the issue of substitutability of alternate fuels.

All commenters on the relationship of off-system gas supplies to the certification of process and feedstock uses recommended that availability of off-system supply not be a factor in certifying requirements. Such treatment would discourage self-help efforts by these users. Some commenters also questioned whether appropriate criteria could be developed for determining the availability of off-system supplies. Some commenters stated that off-system supplies are more reasonably available to lower priority users that have alternate fuel capability and whose operations are not endangered by interruption of off-system supplies. Others argued that Section 402 of the NGPA does not give FERC the authority to exclude from curtailment priority gas users which might be able to substitute supplies from other sources other than their distribution companies because under state regulation and utility tariffs distribution company customers have a right to service.

E. Definitions of "Curtailment" and "Requirements"

A number of commenters offered various definitions for the terms "curtailment" and "requirements." "Curtailment" was generally agreed to be the inability to deliver the volumes of gas demanded or necessary to meet contract requirements. Commenters explained that the term "curtailment" has long been used by the gas industry to cover any situation in which an operating gas company, by reason of emergencies, shortages of supply or other factors, cannot make the deliveries of gas to which its customers are entitled under governing instruments such as curtailment plans, tariffs and service agreements. Furthermore, the operational definition of "curtailment" may vary somewhat from pipeline to pipeline with regard to the index from which curtailment is to be measured. All of the commenters agreed that "curtailment" should not be merely a reduction in deliveries from contractual requirements, but rather should continue to be measured relative to actual base period end-use data for some period of time prior to a shortage and adjusted for specific factors such as weather. Some commenters suggested that ERA not adopt a standardized definition of "curtailment."

With regard to "requirements," some commenters said that since the term is not defined in the NGPA, it must have the same meaning as has been developed in FPC and FERC-approved pipeline curtailment plans, i.e., an actual base-period use, as adjusted for downtime and other specific factors. Furthermore, they argued that the curtailment plans must specify the rights of the pipeline's customers and this can only be accomplished by way of specified and accepted volumes written into the tariffs.

F. Load Growth and Base Period for Curtailment Plans

A number of commenters, including pipelines, users, distribution companies and state commissions, suggested that the issue of load growth is the responsibility of the FERC and/or state regulatory agencies, but not of

the ERA. Some commenters suggested that no growth in the number of customers should be allowed and no additional contract volumes delivered without clear and adequate evidence from the pipelines of the existence of gas reserves capable of meeting their present customers' requirements for five years. The reason given for such a condition was that present customers' needs should be protected before allowing any load growth. These commenters recommended that if any growth were to be allowed, such additions should be interruptible and placed in the lowest curtailment priority. Another commenter recommended that service to new customers not be allowed unless gas was available either from volumes conserved on the system or from supplemental supplies. Another suggested that curtailments could be related to contract volumes, but also pointed out that often no formal contractual relationship exists between a gas company and its customers.

Other commenters recommended that load growth should be allowed for high-priority customers (e.g., residential), even if curtailment of lower priority users is occurring simultaneously on the same system, provided that such growth does not jeopardize service to other high-priority users. Commenters also suggested that this load growth procedure would upgrade a system's load to encourage higher priority uses of gas and that this procedure has been followed by some state regulatory agencies.

Commenters also pointed out that load growth must be allowed for essential agricultural users, even if it reduces deliveries to lower priority customers, because Congress provided for this growth in the NGPA. The comments received, in general, supported the position that whether load growth should be allowed on a system subject to curtailments is not amenable to a general rule because of the variety of situations concerning supplies and mixes of customers on different gas systems.

Regardless of the load growth issue, most of the comments from pipelines, distributors, industrial end users and state regulatory agencies favored retaining the fixed base period concept for curtailment plans. The commenters agreed that changing the fixed base period concept may create as many problems as it attempts to address. Advantages given for a fixed base period were as follows:

1. Distribution companies have more control of their gas supplies and therefore are better able to plan the allocation of these supplies to their end-use customers. This provides certainty and administrative simplicity to their curtailment plans;
2. It provides incentives for state regulatory commissions and utilities to pursue conservation practices by allowing any natural gas conserved in a state to be used to benefit customers within that state;
3. It provides some incentive for customers to minimize low priority usage;
4. It encourages self-help methods by requiring load growth to be based on supplemental supplies of gas;
5. It provides stability, and plans for supplemental supplies can be best developed on a known and stable base;

6. Customers' requirements for a pre-curtailment period are the best estimates.

A number of commenters felt that changes to base periods should be the FERC's responsibility under its implementation and enforcement authorities, rather than under the ERA's authority to review and establish priorities. One commenter pointed out that no change in base periods is required under the NGPA, except as necessary to implement the agricultural rule. On the other hand, another commenter suggested that the intent of Congress as expressed in the NGPA Conference Report discussion of Section 401, was that the FERC reopen existing curtailment plans only to the extent necessary to implement the priorities established by the NGPA and that it was not intended for such reopenings to result in adoption of new base years for curtailment purposes. Nevertheless, several end-users and a distribution company favored a rolling or updated base period and suggested using the highest year's actual use out of the last five years as the base period volume, thus protecting users who have a cyclical product demand. Another commenter suggested that base year customers should be retained, but that their end-use profiles should be updated.

A few agricultural users commenting on this issue interpreted Section 401 of the NGPA as requiring that current agricultural requirements be met, thereby calling for a rolling base period. A state regulatory agency suggested that a fixed base period be maintained during periods of actual curtailment by pipelines, but that during a period when a pipeline was not in a curtailment status, the base period volumes be updated. It also suggested that the use of rolling base periods during curtailment would penalize conservation, which is of vital importance during curtailment. Conversely, updating or rolling the base period during non-curtailment periods would make the base period volumes more reflective of the actual end-use requirements of customers.

Commenters generally agreed that the issue of credit for volumes of gas conserved by customers is only relevant if base periods are changed.

G. Development of Supplemental Supplies and New Energy Sources

Many commenters agreed that there is no reason to change the present policy of not considering a pipeline customer's supplemental gas supplies as subject to its pipeline's curtailment plan. Many of the comments suggested that the present end-use considerations and fixed base periods in curtailment plans provide incentives for both conservation and conversion to more plentiful fuels such as coal. A few industrial users felt that supplemental supplies should be included as part of system supply, arguing that this should be an element of any curtailment policy based on the concept that supplies should be allocated in order to achieve the most efficient use of resources. Others stated that smaller distribution company customers of pipelines operate financially marginal systems and do not have sufficient revenues to obtain supplemental supplies. These small customers are discriminated against when supplemental

supplies are not considered as part of a pipeline's supply system subject to curtailment.

H. Scope and Jurisdiction of the General Curtailment Authority

Commenters responded negatively on whether federal policy or rules should be applied directly at the distribution level. Most commenters expressed alarm at the prospect of such federal regulation. They mentioned the delay, great expense, inflexibility regarding varying local needs, and the lessening or elimination of self-help programs by distribution companies as reasons why federal regulation at the distribution level was unwise.

Some commenters questioned the lawfulness of attempting to apply the curtailment plans of interstate pipelines at the distribution company level. Commenters taking the position that federal curtailment plans could not and should not be applied directly at the distribution company level pointed out that currently no vacuum exists in authority at the state and local level. Other commenters suggested that there is legal authority for applying a federal curtailment priority rule directly at the distribution company level. Some of these respondents maintained that the legal authority for such action was the Commerce Clause of the United States Constitution. Others claimed that the FERC has the necessary statutory authority and could condition deliveries of higher priority gas to make the distribution companies conform to the federal plan. These observers maintained that there was precedent for such a rule in FPC Order No. 533 and FERC Order No. 2. Some commenters even interpreted Sections 401 and 402 of the NGPA as requiring federal regulation of local distributors.

Almost all commenters, on the issue of the scope of the rule to be adopted, felt that ERA should promulgate a broad, comprehensive system of priorities, leaving the FERC with enough flexibility to consider differences between pipelines when implementing the system. Several commenters pointed out that there was no reason to believe that narrowly drawn rules would lead to fewer or shorter curtailment plan hearings than have been necessary in the past, and several suggested that negotiated settlements among affected parties should continue to be a means for resolving disputes. All commenters wanted minimum disruption of existing curtailment plans. Some commenters believe that the Sections 401 and 402 priorities mandated by the NGPA can be incorporated into existing curtailment plans with a minimum of revision. One pipeline suggested that ERA abandon this proceeding entirely and adopt existing plans, because changes are costly, of questionable legality, unnecessary and time-consuming.

I. Other Issues

Several commenters used the NOI comment process to raise specific concerns which did not fit into the 22 issues listed in the NOI. These additional issues are as follows:

1. A group of small customers urged that a uniform small customer exemption be

incorporated into all curtailment plans. Furthermore, they alleged that existing pipeline exemptions are inadequate and that it is necessary to treat a pipeline's small distribution company customers as special cases during curtailment.

2. One comment concerned the allocation of gas between interstate pipeline customers and direct market customers. The commenter contends that United Gas Pipeline Company is curtailing gas in its own service area while making available 60 percent of its gas to other interstate pipelines which are curtailing very little or not at all and which have access to other supplies. The State of Louisiana regards this practice as inequitable and recommends that pipelines be required by their curtailment plans not to curtail higher priority industrial users in their own service areas in order to make deliveries to other pipelines.

3. Another commenter addressed the effects of natural gas curtailment policy on fuel oil. Currently natural gas curtailments create rapid fluctuations in the demand for fuel oil as a substitute fuel, to which oil suppliers have had difficulty responding. The commenter suggested that DOE consider widening the higher priority industrial categories as much as possible and observed that conservative load growth policies would help to stabilize the fuel oil markets.

4. Comments from a DOE regional office recommended that ERA include in its review the effects of curtailment on natural gas processors who extract NGL from gas. The commenter suggested a possible conflict between ERA pricing regulations for NGL and the curtailment treatment of gas processors.

Section V.—Summary of Regulatory Analysis

Copies of the entire Regulatory Analysis are available in Room B-110, U.S. Department of Energy, Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. A brief summary is provided here.

A. Purpose

The regulatory analysis prepared as part of our review and establishment of natural gas curtailment priorities addresses fundamental alternatives for curtailment policy and their potential social, economic and environmental cost impacts. Policies governing existing Federal curtailment priorities, certain requirements of the NGPA, and curtailment policies implemented under State authorities, are among major considerations included in the analysis.

B. Basic Approaches for Managing Curtailment

There are three basic approaches, as outlined below, which can be used to manage curtailments:

1. Rationing—allocation, distribution or management of available gas supplies by administrative rules applicable during shortages. Presently effective curtailment plans are examples.

2. Pricing—allocation of available gas by price. Prices offered and paid by end use customers are relied upon as the means for bringing demand into line with supply during periods of shortage. The pricing approach

designed and considered by the Public Service Commission of Wisconsin for managing gas shortages is an example. It consists of a once-a-year action for interruptible users.

3. Beyond Curtailment—allocation policy that attains basic goals for establishing curtailment priorities and other related goals, *i.e.*, goals beyond curtailment policy. "Beyond curtailment" utilizes either a rationing or a pricing approach for managing curtailments and achieving other policy objectives. The inclusion of additional policy objectives distinguishes this approach. Combining a pricing scheme which manages short-term shortages with a rate design that manages long-term curtailments is one example.

Options within each of the three basic approaches to managing curtailments can vary extensively, but the basic distinctions between the general approaches remain constant.

C. Options for Managing Curtailment

In this study we subdivided the basic approaches to managing curtailments and determined important specific options within the subdivisions. We then evaluated the economic consequences of these options. For most of the options we conducted the evaluations through simulation with models of supplier operations, user fuel substitution and user shortage impacts. We also conducted some evaluations without simulations.

1. *Rationing.* Within rationing, we subdivided options into priority classifications that remain fixed (fixed rationing) and those that vary in response to change (responsive rationing).

a. *Fixed Rationing.* Fixed rationing evolves from a belief that even in situations where changes may have potential for reducing the cost of curtailment, the present rationing should be continued to maintain user familiarity and continuity for planning purposes. The specific options evaluated are as follows:

(i) *Do Nothing (No change).* Continue presently effective curtailment plans, without the changes required by the NGPA. Curtailment plans presently in effect vary widely among gas companies. These include interstate pipeline plans governed by Federal priorities and local distribution company plans generally governed by State priorities. Existing plans generally establish priority groupings comprised of similar end uses. The most highly valued end use priorities are the last to be curtailed when shortages of natural gas occur. This option was used as the base case from which all other rationing options were developed and against which all other options were compared.

(ii) *Improved 467-B.* Allow freer gas flow between interstate systems and improve the use of storage. This option permits all gas not required for any firm end use customer to be sold off system and allocates available storage to users whenever the cost of storage equals or is less than the cost of curtailment to those users being curtailed. This option was modeled.

(iii) *Percentage limit.* Establish subdivisions within intermediate priority categories. Examples of intermediate use are

large commercial and medium and small industrial gas users. This option limits initial curtailment of an intermediate priority category to 80 percent, then curtails the next higher intermediate priority category before increasing the curtailment within the lower intermediate priority category from 80 to 100 percent. This is a way to reduce the economic costs of curtailment to users within intermediate priority categories. This option is based on simulations that indicate the largest costs of curtailment to users within intermediate categories occur when over 80 percent of deliveries are curtailed.

(iv) *A binding nationwide rule.* Require a uniform nationwide priority classification for all interstate pipelines. This would greatly disrupt present curtailment plans and self-help measures and was dismissed without precisely estimating costs.

b. *Responsive Rationing.* Responsive rationing assumes that priority categories should be changed when there are new insights on the relative importance of needs for natural gas. We considered the following specific options:

(i) *Agricultural priority.* Protects essential agricultural needs, as mandated by the NGPA. Study simulations were modeled, using the base case with additions to the agricultural priority category as required by the NGPA.

(ii) *Process and feedstock priority.* Protects requirements for essential industrial process and feedstock uses, as mandated by the NGPA. Our study simulations sought to establish categories of process use that would minimize shortage costs.

(iii) *Rolling base.* Updates periodically the requirement indices specified in an interstate pipeline's curtailment plan. Our simulations modeled this option using an annual update in the index of customer requirements based on a two-year moving average of gas consumption.

2. *Pricing.* Within pricing, we subdivided into an option where the use of pricing is unrestricted and options where pricing is restricted.

a. *Unrestricted Pricing.* This option involves bidding between pipeline systems and bidding among all users within a pipeline system. We do not examine this option in detail because it is very cumbersome and less practical than a pricing scheme combined with a rate design approach.

b. *Restricted Pricing.* Using our model, we simulated the following restricted pricing options.

(i) *Auction within incremental pricing* or bidding among end users in the first stage of NGPA pricing. Only users under Stage 1 of incremental pricing participate.

(ii) *Auction* or once-a-year auction for all end users who are given a base allocation. Re-establish base allocations for users annually.

3. *Beyond Curtailment.* The curtailment option offering the best vehicle for accomplishing goals in addition to curtailment aims combines pricing with rate design. This option was simulated in this study. Priority categories simulated were the

same as rate categories and end users could choose their curtailment category via prices paid.

D. Economic Consequences of Study Alternatives

The selection of a curtailment option has no significant effect on real gross national product. Curtailment impacts on gas users are offsetting because any permanently lost production of goods and services by a curtailed end-user generally is made up by other establishments and temporarily lost production is made up later by the same industrial end-user. However, any reduction in the economic cost of curtailment under improved curtailment options helps to reduce the inflationary effects of cost increases stemming from delayed production and from shifting production among producers which would otherwise be incurred because of curtailment.

The study modeled the effects of implementing specific options using prototype pipelines and distributors, and expanded these results to national estimates. The estimated economic costs of curtailment represent averages calculated using a fixed supply and various simulated demands. The demand simulations covered 100 probable weather patterns, varying from much warmer

than normal to much colder than normal. We then combined the average winter costs thus obtained with estimates for the rest of the year, to calculate average annual economic costs. The model computed the following types of costs:

1. *Shortage impact costs:* The short-run economic cost impact of shortages on users, including the costs of alternate fuel use, plant shutdowns, and overtime to make up production.

2. *Shortage coping costs:* The long-run economic costs of users, including investments in facilities for alternate fuel capability.

3. *Supplier operating costs:* These costs include the economic cost for addition of storage or peaking facilities.

4. *Non-user pollution costs:* These are the economic costs due to damage from extra pollution caused by the use of substitute fuels.

Table 1 summarizes approximations of cost savings determined by the model as cost differences among specific options, using the "Do Nothing" (no change) option as a standard.

E. Study Findings

Our analysis concluded the following:

Table 1.—Estimated Average Annual Cost Savings From Pipeline to the Burner Tip by 1981 in Billion Dollars¹ (Using the Present System as a Standard)

	Estimated cost savings ²	Percent saving in costs ²	Comments
I. Rationing approach			
"Do-nothing" (no change) variant	\$0.0	0.0	The present system.
"Improved 467-B" variant	1.0	4.2	Facilitate free flow of gas between systems.
"Percentage limit" variant	1.1	4.7	Avoid impacts from 100 percent curtailment.
"Ag. priority" variant	-.9	-3.8	Required by law.
"Process and feedstock priority" variant	0.0	0.0	Required by law.
"Rolling-base" period	-.02	-.8	Update of index from which to measure curtailment.
II. Pricing approach:			
"Auction" variant	1.8	7.6	
"Auction within incremental pricing" variant	.2	.8	Only users under stage 1 of incremental pricing participate.
III. Beyond curtailment approach: "Rate structure" variant			
	3.6	15.3	Should be coordinated with DOE rate design studies required by section 601 of PURPA.

¹ In constant 1978 dollars, but incorporating the higher rate of increase in natural gas than in prices generally.

² Estimated savings is the difference in total approximate costs between the particular option and the \$23.6 billion approximate cost under the present system of curtailment.

1. There are three distinct approaches to managing curtailments—rationing, pricing, and policies which combine management of curtailment with other policies. The most economically efficient system is the one which most precisely recognizes shortage costs to the end-use customer. The present rationing system lowers economic shortage costs as compared with a pro-rata curtailment approach. A system using pricing has the greatest potential for lowering economic shortage costs by precisely recognizing the end users' shortage costs.

2. The present curtailment plans of interstate pipelines, coupled with the emergency authority provided under Title III of the NGPA, are adequate for managing both long term and seasonal gas shortages.

3. The present system can be improved by

allowing for easier movement (sales) between systems to avoid more severe curtailment on some systems. Having different shortage levels among systems leads to higher overall economic costs of curtailment.

4. Under the present system, fuel substitution costs vary greatly, even among users within the same end use priority. End use curtailment plans are an attempt to assign priorities in keeping with variations in user costs of curtailment, but determinations are not precise. Approaches using pricing have the greatest potential for most precisely ranking users in keeping with their substitution costs.

5. Imprecision in present curtailment plans might be reduced in two ways. First, individual suppliers and users could more precisely classify uses within the base period

requirements for each priority category. Second, a Federal rule could give higher priority to more critical volumes within categories, e.g., by establishing subdivisions within intermediate priorities, such as the percentage limit approach discussed previously.

6. Under the present Federal curtailment priority approach, there are likely to be increases in shortage costs if systems using a fixed base period switch to a rolling base period.

7. More efficient supply and consumption would occur if rate structure were changed to allow lower rates for lower priority users who are subject to curtailment and higher rates for users less subject to curtailment (e.g., users in higher priorities and those who are supplied from gas in storage). There are many situations where users who pay the same rate for gas receive different levels of curtailment on the same system.

8. The test of any definition of "essential industrial process and feedstock use" should be whether the assignment of a higher priority will decrease or increase the economic costs from present curtailment. Analysis suggests that a broad definition, such as one based on SIC-defined products, will increase these costs by including nonessential uses. A narrow definition, coupled with an alternate fuel conversion test, could minimize shortage costs by restricting higher priority to include only essential uses.

9. Mandatory systemwide changes in curtailment priorities which are not coordinated with the theory of shortage costs will increase total costs above costs realized under the present system during shortages.

10. Large volume users generally have lower costs of conversion per unit of gas.

11. Changes in curtailment plans will be more effective if they are sufficiently flexible to allow adjustment to special conditions on specific systems.

12. Curtailment policy should focus on reducing shortage costs over both the short and long runs.

13. The present curtailment priority classifications have the advantage of being familiar to suppliers and users and, thus, minimize uncertainty that otherwise could lead to excess costs in preparing for curtailments. While certain modifications to existing curtailment priorities could lower economic shortage costs, the benefits to be achieved may be outweighed by other costs resulting from implementation of such changes. In addition, increased uncertainty on the part of suppliers and users over the availability of supplies may lead to additional costs in preparing to cope with potential curtailments; such as investment in storage or alternate fuel facilities or the development of supplemental natural gas supplies. Additional costs can also occur if changes in supply availability undermine the investment value of present self-help measures.

Section VI.—Draft Environmental Impact Statement

Copies of the Draft Environmental Impact Statement are available for review in Room B-110, 2000 M Street, N.W., Washington, D.C., 20461.

A programmatic Draft Environmental Impact Statement (DEIS) was prepared to evaluate the environmental impacts of alternatives to manage curtailments at the interstate pipeline level. The DEIS study constructed 54 case studies to cover the Nation's largest gas consuming urban Air Quality Control Regions (AQCR's). This AQCR sample was chosen because it includes most major U.S. cities and represents 61 percent of total industrial gas use. The DEIS also performed an auxiliary analysis of 88 smaller gas consuming cities and non-metropolitan areas. All the case studies were examined in detail to evaluate the broad range of air quality impacts that might result from alternate curtailment policies.

The results of the case studies indicated that there would be little change in environmental impacts from the *status quo* with any of the curtailment alternatives. The impacts of all alternate curtailment policies on annual pollutant concentrations were nearly identical to the impact of the existing curtailment policy. The net effect, therefore, of any change from the *status quo* was essentially zero. This is explained in major industrial areas by the fact that large quantities of emissions from other sources in these major industrial areas completely overshadow the emissions from the burning of alternate fuels during periods of winter season natural gas curtailment.

No curtailment alternative was found which could reduce the overall level of environmental impacts. Exceptional cases of larger incremental increases in pollutants can be dealt with on a case-by-case basis. The FERC currently has authority to grant exemptions from a given curtailment policy if it finds that undue hardship otherwise would result. The DEIS therefore recommends that the FERC continue environmental reviews of individual pipelines for the purpose of the evaluating requests for exemptions from applicable curtailment rules.

Section VII.—Comment and Hearing Procedures

A. Comments

You are invited to participate in this proceeding by submitting written data, views, or arguments with respect to the proposal set forth in this notice of proposed rulemaking to Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street, N.W., Washington, D.C. 20461. You may hand-deliver your comments to this room between 8:00 a.m. and 4:30 p.m., Monday through Friday, or you may mail your comments to the above address. You should submit 15 copies and should include on the first page of each comment and any envelope, the docket number and the designation "Comments on Proposed Rule: Curtailment Priorities for Interstate Pipelines." Only five copies of any comments on the "Draft Environmental Impact Statement" are required. They should be packaged and designated separately with the docket number (ERA-R-79-10-A) and the designation "Comments on Draft Environmental Impact Statement." We will consider all comments received by 4:30 p.m.

on August 29, 1980 and all other relevant information before taking further action on this matter.

Any information you consider to be confidential must be so identified and submitted in one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

B. Public Hearing

1. *Procedures for requests to make oral presentations.* The public hearings will begin at the time and in the places listed in the "Dates" and "Addresses" sections of this NOPR and each hearing will be continued if necessary in the same location on the next day, beginning at 9:30 a.m. If you have any interest in this Notice, or represent a person, group or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation at the public hearing. These requests to speak must be sent to the address shown in the "Addresses" section for the particular hearing and must be received by the date shown for the hearing location at which you desire to speak.

In your request, you should briefly describe your interest; if appropriate, state why you are a proper representative of a group or class of persons having such interest; and give a concise summary of the proposed oral presentation and a phone number where we may contact you through the day before the hearing. If you are selected to participate in the hearing, you will be notified on or before 4:30 p.m., August 11, 1980 for the Washington, D.C. hearing, on or before 4:30 p.m., July 23, 1980 for the Atlanta hearing, on or before 4:30 p.m., July 28, 1980 for the Houston hearing, on or before 4:30 p.m., July 21, 1980 for the Chicago hearing, and on or before 4:30 p.m., July 30, 1980 for the San Francisco hearing. You must submit 100 copies of your hearing testimony by 4:30 p.m. on August 11, 1980 for the Washington, D.C. hearing. For all regional hearings, the person making an oral presentation at a hearing will be required to deliver 100 copies of his statement to the hearing room on the morning of the day scheduled for his appearance.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons to be heard.

We will designate an ERA official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if the person so desires, to make a rebuttal statement. Rebuttal statements will also be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearings to Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30

p.m., on the day prior to the hearing. For hearings in locations other than Washington, D.C. you may submit your questions to the hearing officer at that particular location using the address shown in the "Addresses" section of this NOPR. The first page and any envelope should include the docket number and the designation "Questions on Review and Establishment of Natural Gas Curtailment Priorities." If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing. We will have a transcript made of the hearing and will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Freedom of Information Officer, Room 5B-180, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

Pursuant to the requirements of Section 404 of the DOE Act, upon issue of this proposed rule, a copy of this Notice will be referred to the Federal Energy Regulatory Commission for it to determine whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to Section 402(a)(1), (b), and (c)(1) of the DOE Act. The Commission will have until August 29, 1980, the date the public comment period closes, to make this determination.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3394-3396 (1978); Department of Energy Organization Act, Pub. L. 95-91, E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267))

In consideration of the foregoing, Title 10, Part 580, Code of Federal Regulations, is proposed to be revised to read as follows.

Issued in Washington, D.C. June 24, 1980.

Hazel R. Rollins,
Administrator, Economic Regulatory
Administration.

Subchapter G of Chapter II of Title 10, Code of Federal Regulations, is revised to read as follows:

PART 580—NATURAL GAS CURTAILMENT PRIORITIES FOR INTERSTATE PIPELINES

Sec.

- 580.01 Purpose.
- 580.02 Definitions.
- 580.03 Curtailment priorities.
- 580.10 Administrative procedures (Reserved).

Authority: Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Sections 401, 402, 403, Pub. L. 95-621, 92 Stat. 3394-3396 (1978), Sections 301(b), 402(a), 501, Pub. L. 95-91, 91 Stat. 578, 583-584, 587-589 (1977) (42 U.S.C. Sections 7151(b), 7172(a), 7191); E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.

§ 580.01 Purpose.

The purpose of this Part 580 is to establish priorities for curtailment of natural gas deliveries by interstate natural gas pipelines

and to implement the authorities vested in the Secretary of Energy by Sections 401, 402 and 403 of the Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3394-3396 (1978) and Sections 301(b), 402(a)(1)(E) and 501 of the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 578, 583-584, 587-589 (1977).

§ 580.02 Definitions.

(a) For the purpose of this Part 580, all the terms used shall be defined as in Section 2 of the Natural Gas Policy Act of 1978, unless further defined in subsection (b) of this section.

(b) The following definitions are applicable to Part 580:

(1) *Base period*—means the period of time used in an interstate pipeline's curtailment plan as the basis for determining all or a portion of the requirements of its customers for the purpose of allocating natural gas to those customers during periods of curtailment.

(2) *Commercial establishment*—means any establishment (including local, State and Federal government agencies) engaged primarily in the sale of goods or services which uses natural gas for purposes other than manufacturing or the generation of electric power for sale.

(3) *Curtailment*—means any situation where an interstate pipeline cannot make deliveries of all its customers' requirements, as that term is defined herein, including situations due to a lack of pipeline capacity.

(4) *Curtailment plan*—means a plan of an interstate pipeline, describing the pipeline's criteria for allocating natural gas to its customers during periods of curtailment.

(5) *Essential agricultural use*—means, in no specific order, any use of natural gas—

(i) For agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying, or

(ii) As a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food,

which the Secretary of Agriculture determines is necessary for full food and fiber production, unless the Commission has determined that use of a fuel other than natural gas is economically practicable and reasonably available as an alternative for such use.

(6) *Essential agricultural user*—means any person who uses natural gas for an essential agricultural use as defined in subsection (b)(5) of this section.

(7) *Essential industrial feedstock use*—means natural gas used for its chemical properties as a raw material in creating an end product, in situations where the Commission has determined that use of a substance other than natural gas is neither economically practicable nor reasonably available as an alternative for such use.

(8) *Essential industrial process use*—means, in no specific order, natural gas used directly in an industrial use where—

(i) A direct flame or precise flame characteristics are required; or precise temperature controls are required, or the gas is used in the necessary processes of ignition, startup, testing or flame stabilization, and

(ii) Where conversion to a fuel other than natural gas either would cause a significant

deterioration in the quality of the product, or would require costly modification to or costly replacement of equipment, and

(iii) Where the Commission has determined that use of a fuel other than natural gas is neither economically practicable nor reasonably available as an alternative for such use.

(9) *High-priority use*—means any use of natural gas by a high-priority user as defined in subsection (b)(10) of this section.

(10) *High-priority user*—means, in no specific order, any person who uses natural gas—

(i) In a residence;

(ii) In a commercial establishment in amounts of less than 50 Mcf on a peak day;

(iii) In any school or hospital; or

(iv) For minimum plant protection when operations are shut down, for police protection, for fire protection, in a sanitation facility, in a correctional facility, or for emergency situations pursuant to 18 CFR 2.78(a)(4).

(11) *Hospital*—means a facility whose primary function is delivering medical care to patients who remain at the facility, including nursing and convalescent homes, as well as out-patient clinics and doctors' offices which are physically connected with a hospital or its heating plant.

(12) *Industrial use*—means any use of natural gas in a process which creates or changes raw or unfinished materials into another form or product, including the generation of electric power.

(13) *Requirements*—means the volumes of natural gas that a customer of an interstate pipeline is entitled to under that pipeline's curtailment plan, as the term curtailment plan is defined herein.

(14) *Residence*—means a dwelling using natural gas predominantly for residential purposes such as space heating, air-conditioning, hot water heating, cooking, clothes drying, and other residential uses, and includes apartment buildings and other multi-unit residential buildings.

(15) *School*—means a facility, the primary function of which is to deliver instruction to regularly enrolled students in attendance at such facility. Facilities used for both educational and non-educational activities are not included under this definition unless the latter are merely incidental to the delivery of instruction.

§ 580.03 Curtailment priorities.

(a) Except as provided in subsections (g) and (h), the curtailment plan of each interstate pipeline shall contain the following priorities to govern deliveries of natural gas to the pipeline's customers during periods of curtailment on the pipeline:

(1) *Priority One*: Those requirements for high-priority uses of natural gas as defined in Section 580.02(b)(9) of this Part, determined using a fixed base period.

(2) *Priority Two*: Those requirements for essential agricultural uses of natural gas as defined in Section 580.02(b)(5) of this Part.

(3) *Priority Three*: Those requirements for essential industrial feedstock uses and essential industrial process uses of natural gas as defined in Sections 580.02(b)(7) and 580.02(b)(8) of this Part, respectively, determined using a fixed base period.

(4) **Priority Four:** Those requirements, in no specific order, for all other uses not specified in Priorities One, Two Or Three, including

(i) Use of natural gas in large (50 Mcf or more on a peak day) commercial establishments, and

(ii) Industrial use, less than 300 Mcf per day determined using a fixed base period.

(5) **Priority Five:** Those requirements for any uses of natural gas not included in Priorities One, Two, Three or Four, determined using a fixed base period. Priority Five shall be subdivided based on the following volumetric ranges, with the requirements for subpriority (i) being the last curtailed, unless it is demonstrated to the FERC that other volumetric ranges are just and reasonable:

(i) Requirements of 300 Mcf per day or more, but less than 1,500 Mcf per day;

(ii) Requirements of 1,500 Mcf per day or more, but less than 3,000 Mcf per day;

(iii) Requirements of 3,000 Mcf per day or more, but less than 10,000 Mcf per day;

(iv) Requirements of 10,000 Mcf per day or more.

(b) The curtailment plan of each interstate pipeline shall require that all requirements of natural gas for a lower priority shall be curtailed before requirements for a higher priority are curtailed, unless with respect to Priorities Four and Five it is demonstrated to the Commission that it is just and reasonable to allow a certain portion of the requirements of a lower priority or subpriority to continue to be served while some or all the requirements of the next higher priority or subpriority are curtailed. None of the requirements for Priority Three may be curtailed, however, if any requirements for Priorities Four or Five are still being served.

(c) There shall be no differentiation in curtailment plans among natural gas users or uses based on whether service is firm or interruptible, unless with respect to Priorities Four and Five it is demonstrated to the Commission that it is just and reasonable to distinguish among users or uses based on whether service is firm or interruptible.

(d) Nothing in this rule shall prohibit the injection of natural gas into storage by interstate pipelines or deliveries to the customers of interstate pipelines for their injection into storage, unless it is demonstrated to the Commission that these injections or deliveries are not reasonably necessary to meet the requirements of high priority or essential agricultural, industrial process and industrial feedstock uses in their respective order of priority.

(e) Nothing in the rule shall prohibit an interstate pipeline from continuing to serve any or all of the requirements of a customer which is a small local distribution company when the requirements of other customers are being curtailed, if it is demonstrated to the Commission that it is just and reasonable.

(f) There shall be no differentiation in curtailment plans among natural gas users or uses based on any cogeneration activities by gas users.

(g) Nothing in this rule precludes the rolling or updating of an interstate pipeline's base period in regard to the requirements for any or all of its priorities if it is demonstrated to the Commission that it is just and reasonable.

(h) Nothing in this rule requires that a curtailment plan in effect on the date of the adoption of this rule be changed, except to the extent that changes are necessary to protect priorities One, Two, and Three from curtailment.

(i) Any essential agricultural user who also qualifies as a high-priority user shall be a high-priority user for purposes of applying the curtailment priorities in this section.

[FR Doc. 80-22014 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-85-M.

18 CFR Ch. I

[Docket No. RM80-66]

Affirmative Action in Accordance with Section 604 of the Outer Continental Shelf Lands Act Amendments of 1978; Notice of Inquiry

Issued: July 11, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Inquiry.

SUMMARY: This Notice of Inquiry is issued by the Federal Energy Regulatory Commission to solicit comments on the Commission's affirmative action responsibilities under section 604 of the Outer Continental Shelf Lands Act Amendments Act of 1978 (43 U.S.C. 1863). The Commission is directed by section 604 to promulgate such rules as it deems necessary to prohibit unlawful employment practices and to assure no person shall be excluded from receiving or participating in any activity, sale, or employment conducted pursuant to the provisions of the Amendments or the Outer Continental Shelf Lands Act on the grounds of race, creed, color, national origin, or sex. The Commission seeks advice as to how to undertake its responsibilities under section 604.

DATE: Written comments on or before August 18, 1980.

ADDRESS: Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Beth Emery, Office of Commissioner Holden, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8383; or

Teresa Ponder, Office of General Counsel, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8151.

SUPPLEMENTARY INFORMATION:

I. Background

This Notice of Inquiry is being issued in order to call broad public attention to

affirmative action responsibilities of this Commission under section 604 (43 U.S.C. 1863) of the Outer Continental Shelf Lands Act Amendments Act of 1978 (the Amendments).

The section States:

Each agency or department given responsibility for the promulgation or enforcement of regulations under this Act or the Outer Continental Shelf Lands Act shall take such affirmative action as deemed necessary to prohibit all unlawful employment practices and to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity, sale, or employment, conducted pursuant to the provisions of this Act or the Outer Continental Shelf Lands Act. The agency or department shall promulgate such rules as it deems necessary to carry out the purposes of this section, and any rules promulgated under this section, whether through agency and department provisions or rules, shall be similar to those established and in effect under Title VI and Title VII of the Civil Rights Act of 1964.

There are some parts of the public, such as those used to dealing with civil rights issues, that have relatively little experience with the rule-making procedures of this Commission. There are other parts of the public, such as the natural gas industry, that may not be accustomed to dealing with this Commission on civil rights issues. In order to be sure that both types of groups, other members of the public as may be interested, and other Federal, state or local agencies are aware of our interest we issue this Notice of Inquiry.

The framework of the inquiry is established, first in the policy of the United States Government, expressed in actions at the highest levels of all three branches, to protect persons' civil rights from injury due to race, creed, color, national origin or sex. The Commission recognizes and explicitly embraces this policy. One means of serving this policy is the promulgation and enforcement of rules providing for affirmative action by public agencies and by private parties under various circumstances.

This Commission has gained experience in civil rights matters in the past several years, through its procedures on accounting for costs attributable to discrimination¹ and through its participation in the development and promulgation of affirmative action/equal opportunity rules applicable to the construction and operation of the Alaska Natural Gas Transportation System, under Section 17 of the Alaska Natural Gas

¹ See Accounting Release No. AR-12, effective February 1, 1980.

Transportation Act of 1976, 15 U.S.C. 7190.

While the Commission is not without certain authority and responsibility to take action under other provisions of law,² in this instance we have the obligation as imposed by the express directive in section 604, to:

... take such affirmative action as deemed necessary to prohibit all unlawful employment practices and to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity, sale, or employment, conducted pursuant to the provisions of [the Amendments] or the Outer Continental Shelf Lands Act.

This directive is followed by language which further provides that the "agency or department shall promulgate such rules as it deems necessary to carry out the purposes of this section. . . ."

The Federal Energy Regulatory Commission has a number of responsibilities under the Outer Continental Shelf Lands Act (OCSLA) and the Amendments. These responsibilities include prescribing open access provisions to pipelines constructed on OCS right-of-ways, and promoting distributor access to OCS gas under section 603 of the Amendments. It is therefore apparent that we are an agency under the mandate of the statute.

The core question with respect to civil rights is: what do we do? Since we take our responsibilities under section 604 most seriously, we seek as an initial step the broadest public comment on the considerations that should be taken into account. We seek advice and counsel whether and, if so, in what manner, the Commission should proceed in a notice of proposed rulemaking or other appropriate action to implement this provision of the legislation. What should be the basis of judgments as to the affirmative action that should be deemed necessary? What rules should be deemed necessary to promulgate? What procedures should we follow in developing and promulgating those rules?

II. Specific Inquiries

Initially we would pose the following general questions to which we would seek written responses.

1. Are unlawful employment practices still to be found on the part of those who are under the jurisdiction of the OCSLA, as amended?

2. If so, what specific information is there of such practices?

3. What is the specific history of such practices and what actions are being

taken, voluntarily or under public compulsion, to eliminate such practices?

4. What are the specific activities, sales, or employments conducted under the applicable legislation?

5. What is the basis for belief that persons are, or may be, excluded from receiving or participating in these activities, sales, or employments, on the grounds of race, creed, color, national origin or sex?

6. What factors have exclusionary effects as to such activities, sales, or employments?

7. What might the Commission do intelligently and realistically, as far as the above mentioned points under its section 604 authority, that is not already being done by other governmental agencies acting under Title VI and Title VII of the Civil Rights Act, Executive Order 11246, and other lawful authorities?

8. How should this Commission act so as to minimize unnecessary duplication of the lawful action of other federal, state or local agencies, to make compliance more effective, and to reduce confusion on the part of either parties that would have to comply or those who would derive benefits from them?

9. What criteria for evaluation of "success" and "failure" should be utilized, if the Commission adopts new rules?

III. Written Comment Procedures

Interested persons may submit comments by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 18, 1980. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM80-66, and should give reasons for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours. If the Commission decides to hold a public hearing before the Notice of Proposed Rulemaking is issued, the date and location of the hearing will be announced in the Federal Register.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22013 Filed 7-22-80; 8:45 a.m.]

BILLING CODE 6450-65-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Part 501

Appointment of Foreign Service Personnel

AGENCY: International Communication Agency.

ACTION: Proposed rule.

SUMMARY: The International Communications Agency proposes to amend its regulations covering the appointment of Foreign Service personnel. These amendments establish the new procedures for employment in the Foreign Service in the U.S.

International Communications Agency.

DATES: Written comments, suggestions, and opinions must be submitted no later than August 22, 1980 to be assured consideration.

ADDRESS: Written comments on this proposed rule should be sent to Ms. Nancy Kincaid, Personnel Policy Officer, Office of Personnel Services, International Communication Agency, Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Kincaid, Personnel Policy Officer, Office of Personnel Services, International Communication Agency, Washington, D.C. 20547, 202-724-9406.

SUPPLEMENTARY INFORMATION: Amendments are being proposed to 22 CFR, Chapter V, Part 501 as follows: Career Candidates who succeed in the examination and selection process will be given temporary four-year Foreign Service Limited Reserve (FSLR) appointments to either Class 7 or 8. Career Candidates will be promoted administratively up to Class FSLR 6 for satisfactory performance. The decision to offer a Career Candidate a commission as a Foreign Service Information Officer (FSIO) will be made by the FSIO Commissioning Board when the Career Candidate has attained the rank of FSLR Class 6 and acquired three years overseas experience. Previously the applicant was appointed as an FSIO in Class 7 or 8 and had to compete for promotion with others in the same grade in the Semi-Annual Selection Board process. Other amendments to Part 501 include the addition of a new section regarding the appointment of Overseas Specialists; experience requirements being substituted for minimum age for

² NAACP v. FPC, 425 U.S. 662 (1976).

lateral entry as an FSIO Candidate; and a revision in maximum age.

It is proposed to amend Title 22 of the Code of Federal Regulations, Chapter V, by revising Part 501 to read as follows:

PART 501—APPOINTMENT OF FOREIGN SERVICE PERSONNEL

Sec.

501.1 Policy.

501.2 Eligibility for appointment as FSIO.

501.3 Noncompetitive interchange between Civil Service and Foreign Service.

501.4 Appointment to Class 7 or 8 as Career Candidates.

501.5 Lateral entry appointment as an FSIO candidate.

501.6 Appointment of overseas specialists.

501.7 Appointment of FSIO as Chief of Mission.

501.8 Interchange of Foreign Service Officers and Foreign Service Information Officers Between the Department of State and the International Communication Agency.

501.9 Reappointment of Foreign Service Information Officers.

Authority: 22 U.S.C. 1221 et seq.; E.O. 11434 of Nov. 8, 1968 (33 FR 16485).

§ 501.1 Policy.

It is the policy of the International Communication Agency that Foreign Service Information Officers occupy positions in which there is a need and reasonable opportunity for interchangeability of personnel between the Agency and posts abroad, and which are concerned with (a) the exchange of people and ideas between the U.S. and other nations, (b) giving foreign peoples an understanding of U.S. policies and intentions, (c) assisting Americans to enhance their own knowledge and understanding of the contemporary world, (d) ensuring that the U.S. Government understands foreign public opinion and culture for policy making purposes, (e) assisting in the development and execution of a comprehensive national policy on international communications, (f) preparing for and conducting negotiations on cultural exchanges with other governments, and (g) the executive management of, or administrative responsibility for, the overseas operations of the Agency's programs.

§ 501.2 Eligibility for appointment as FSIO.

(a) Pursuant to Public Law 90-494 and Section 511 of the Foreign Service Act of 1946, as amended, all Foreign Service Information Officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service Information Officer unless he/she has demonstrated his/her

loyalty to the Government of the United States and his/her attachment to the principles of the Constitution, and unless he/she is a citizen of the United States. The religion, age, color, race, sex, national origin, marital status or plans, creed or political affiliations, membership in or activity on behalf of employee organizations, or participation in grievance procedures of a candidate will not be considered in designations, examinations, or certifications.

(b) Notwithstanding the provisions of 5 U.S.C. 3320, the fact that any applicant is a veteran or disabled veteran, as defined in 5 U.S.C. 2108(1) or (2), will be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service Information Officers.

§ 501.3 Noncompetitive interchange between Civil Service and Foreign Service.

(a) An agreement between the Civil Service Commission and the Agency under the provisions of Executive Order 11219 (3 CFR 1964-65 Comp. p. 303) provides for the noncompetitive appointment of present or former career or career-conditional Civil Service employees in the Foreign Service.

(b) Under this agreement former career personnel of the Agency's Foreign Service (FSRU, FSIO, and FSS), and such present personnel desiring to transfer, are eligible, under certain conditions, for noncompetitive career or career-conditional appointment in any Federal agency that desires to appoint them. The President has authorized the Office of Personnel Management by Executive Order to waive the requirement for competitive examination and appointment for such Agency career Foreign Service personnel.

(c) In order to provide a comparable basis for the appointment of career or career-conditional Civil Service employees in the Foreign Service, the Agency has agreed to waive written test requirements under certain conditions for career or unlimited appointment to the Foreign Service Staff Corps and to credit service under a Civil Service career-type appointment toward the probationary period in the Staff Corps.

(d) In addition, the agreement recognizes the current provisions of the Foreign Service Act as a basis for the lateral entry appointment of present or former Civil Service personnel as Foreign Service Information Officers.

§ 501.4 Appointment to Class 7 or 8 as Career Candidates.

(a) Under the provisions of Public Law 90-494 and Section 516 of the Foreign Service Act of 1946, as amended,

applicants who succeed in the examination and selection process are given temporary four-year Foreign Service Limited Reserve appointments as Career Candidates in either Class 7 or Class 8. Candidates failing to show career potential will be terminated within the four-year period; successful Career Candidates will be commissioned as Foreign Service Information Officers before the end of the fourth year of the temporary appointment. The temporary appointment may be extended for one year, but under no circumstances may the appointment be extended beyond five years.

(b) Career Candidates will be promoted administratively up to Class FSLR-6 for satisfactory performance, without regard to their ultimate qualification for appointment as an FSIO as determined by the FSIO Commissioning Board.

(c) The decision whether to offer a Career Candidate a commission as a Foreign Service Information Officer will be made by the FSIO Commissioning Board when the Career Candidate has attained FSLR Class 6. A favorable commissioning decision may not take effect until and unless the Career Candidate has achieved tested capability in at least one foreign language. Career Candidates who are not recommended for commissioning by the FSIO Commissioning Board will be separated from the Service at the expiration of their appointments, or earlier if recommended by the Board and approved by the Director, Office of Personnel Services (MGT/P). Career Candidates may be separated by the Director, MGT/P, for unsatisfactory performance, or by the Board of the Foreign Service for cause.

(d) The Board of Examiners for the Foreign Service has established the following rules regarding the examination and selection process for Career Candidates.

(1) *Written examination*—The written examination will be given annually or semiannually, if required, in designated cities in the United States and at Foreign Service posts on dates established by the Board of Examiners for the Foreign Service. Applicants must indicate in their applications that they are applying for the International Communication Agency.

(i) No person will be permitted to take a written examination for appointment as a Career Candidate who has not been specifically designated by the Board of Examiners to take that particular examination. To be designated for the written examination, a candidate must have applied prior to the closing date,

and as of the date of the examination, must be a citizen of the United States and shall be at least 20 years of age.

(ii) The written examination is designed to permit the Board to test the candidate's intelligence and breadth and quality of knowledge and understanding. It will consist of three parts: (A) A general background test; (B) an English expression test; and (C) a functional field test.

(iii) Candidates may be required to write a 50-minute essay to demonstrate effectiveness of expression.

(iv) The several parts of the written examination are weighed in accordance with the rules established by the Board of Examiners to determine the passing grade.

(2) *Assessment center examination*—The Board of Examiners for the Foreign Service will give an all-day assessment center examination throughout the year at Washington and periodically in selected cities in the United States.

(i) *Eligibility*—If a candidate passes the written examination, the candidate will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity and will be required to take the oral examination within nine months after the date of the written examination, or the candidacy will automatically terminate. If, however, the candidate is outside the United States and its territories during the nine month period, the candidacy may be extended, upon authorization of the Board of Examiners, for a maximum of two years from the end of the month in which the written examination was held. In such case, the candidacy will terminate if the candidate does not participate within three months of first returning to the United States. The candidacy of anyone who has not returned and been examined in the meantime will be cancelled two years after the end of the month in which the written examination was held.

(ii) *Examining process*—The assessment center examination will be given by a panel of deputy examiners approved by the Board of Examiners from a roster of Foreign Service Information Officers and Foreign Service Officers.

(iii) *Purpose of examination*—The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine the candidate's competence to perform the work of a Foreign Service Information Officer at home and abroad, potential for growth in the Service, and suitability to serve as a representative of the United States abroad.

(iv) *Grading*—Candidates appearing for the oral examination will be graded "recommended" or "not recommended." If "recommended," the panel will assign a grade which will be advisory to the Final Review Panel in determining the candidate's standing on the rank-order register of eligibles. The candidacy of anyone who is graded "not recommended" is automatically terminated and may not be considered again until the candidate has passed a new written examination.

(3) *Medical examination.* (i) *Eligibility*—A candidate graded "recommended" on the assessment center examination will be eligible for the physical examination.

(ii) *Purpose*—The medical examination is designed to determine the candidate's physical fitness to perform the duties of a Foreign Service Information Officer on a worldwide basis and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that the candidate would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Deputy Assistant Secretary for Medical Services in the Department of State, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(iii) *Conduct of examination*—The medical examination will be conducted either by medical officers of the Armed Forces, the Public Health Service, the Department of State, accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(iv) *Determination*—The Deputy Assistant Secretary for Medical Services in the Department of State will determine, on the basis of the report of the physician(s) who conducted the medical examination, whether the candidate and his/her dependents who will reside with him/her on tours abroad have met the standards set forth above.

(4) *Background investigation*—An investigation shall be conducted of candidates who have been graded "recommended" by the examining panel as required by Executive Order 10450 to determine loyalty to the U.S. Government, attachment to the principles of the Constitution, and fitness of the applicant for service in the Agency's Foreign Service. The Department of State Foreign Affairs Manual (FAM) Volume 3, paragraph 622 outlines the suitability guidelines for

appointment and continued employment in the Foreign Service.

(5) *Final Review Panel*—After the results of the medical examination and background investigation are received, the candidate's entire file will be reviewed by a Final Review Panel. Candidates who have been graded "recommended" by oral examining panels, who have passed their medical examination, and who, on the basis of investigation, have been found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on a rank-order register. Their standings on the register will be determined by the Final Review Panel after taking into account the grade assigned by the assessment center panel and any information developed subsequent to the assessment concerning the applicant. The candidacy of anyone who is determined by the Final Review Panel to be unqualified for appointment shall be terminated and the candidate so informed.

(6) *Certification for appointment.* (i) Candidates recommended by the Final Review Panel of the Board of Examiners will be certified for appointment in accordance with the needs of the Service, in the order of their standing on the register.

(ii) Postponement of entrance on duty for required active military service, or required alternative service, civilian Government service abroad (to a maximum of two years of such civilian service), or Peace Corps volunteer service will be authorized.

(iii) A candidate may be certified for appointment to Class 7 or 8 without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed officer may not be commissioned as an FSIO unless and until adequate proficiency in a foreign language is achieved.

(7) *Termination of eligibility.* (i) *Time limit*—Candidates who have qualified but have not been appointed because of lack of vacancies will be dropped from the rank-order register eight months after the date of certification, except that time spent in civilian Government service abroad (to a maximum of two years of such service), including service as a Peace Corps volunteer, in required active military service, or in required alternative service, subsequent to establishing eligibility for appointment will not be counted in the 18 month period.

(ii) *Extension of eligibility period*—The Chairperson of the Board of Examiners may extend the eligibility period when such extension is, in the

Chairperson's judgment, justified in the interests of the Service. The Chairperson shall report the approved extensions to the Board of Examiners.

(8) *Travel expenses of candidates*—The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government, except that the Agency may issue round trip invitational travel orders to bring candidates to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

(9) *Appointment as a junior officer trainee to FSIO Class 7 or 8*—Applicants who have successfully passed the written examination prior to December 1, 1979 are eligible for tenured appointments as Foreign Service Information Officers. These FSIO's are appointed as Junior Officer Trainees, receive tenured appointments subject to Congressional approval and Presidential attestation, and are considered for promotion by the Generalist Selection Boards.

§ 501.5 Lateral entry appointment as an FSIO candidate.

(a) Under the provisions of Pub. L. 90-494 and Section 517 of the Foreign Service Act of 1946, as amended, applicants who succeed in the examination process are given temporary four-year Foreign Service Limited Reserve (FSLR) appointments as FSIO Candidates. The purpose of the FSIO Candidacy is to permit on-the-job evaluation of an individual's propensity and capability for effective service as a Foreign Service Information Officer.

(b) Upon completion of an overseas assignment (normally after three years), lateral entrants appointed prior to February 1, 1976 will take an oral examination given by the Board of Examiners for the Foreign Service and will be subject to review and approval by the full Board of Examiners. Lateral entrants appointed after February 1, 1976 and prior to March 1, 1980 will be given the option of either the Board of Examiner's oral examination or review by the FSIO Commissioning Board upon establishment of the Board. The FSIO Commissioning Board will review the performance, competence, demonstrated potential, and probable future growth of all FSIO Candidates appointed on or after March 1, 1980 and will make recommendations on tenure.

(c) Successful FSIO Candidates will be commissioned as Foreign Service Information Officers upon approval by the President, by and with the advice and consent of the Senate.

(d) FSIO Candidates who are not recommended for commissioning by the FSIO Commissioning Board will be separated from the Service at the expiration of their appointments, or earlier if recommended by the Board and approved by the Director, Office of Personnel Services (MGT/P). FSIO Candidates may be separated by the Director, MGT/P for unsatisfactory performance, or by the Board of the Foreign Service for cause.

(e) During the FSIO Candidacy, candidates will compete for promotion by the Annual Generalist Selection Boards. Lateral entrants are limited to one promotion until they acquire a tested proficiency in a foreign language.

(1) *Purposes of lateral entry appointment.* (i) The lateral entry program is a means by which the intake of Foreign Service Information Officers through the written Foreign Service examination can be supplemented to meet total requirements for the Agency's Foreign Service. The lateral entry program is also used to increase the number of minority and women employees at all levels in the FSIO Corps, and as an upward mobility program for Foreign Service Secretaries of outstanding capabilities.

(ii) Lateral entry FSIO Candidate appointments are made primarily to FSLR Classes 3 through 6. However, appointments may be made to Class 7 for a career Foreign Service Staff or Foreign Service Reserve officer who is receiving a base salary equivalent to that of an FSLR-7 and is currently serving in the Foreign Service under an Upward Mobility Program for Foreign Service Secretaries.

(iii) The great majority of lateral entrants will be drawn from officers of the International Communication Agency of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Agency and those agencies.

The need for other lateral entrants is met by appointing applicants who possess skills and abilities in short supply in the Foreign Service and who have capabilities, insights, techniques, experiences and differences of outlook which would serve to enrich the Foreign Service and enable them to perform effectively in assignments both abroad and in the U.S.

(iv) The Agency places no numerical limitation on the lateral appointment of FSR, FSS, and Civil Service personnel on its rolls who apply, are certified for examination on the basis of service need by personnel management

authorities, and are found qualified by the Board of Examiners for the Foreign Service. Lateral entry from other sources is limited and based on intake levels established in accordance with total Foreign Service Information Officer workforce and functional requirements upon certification of service needs. Appointments from other sources will, in any event, be restricted to FSLR Classes 3 through 6, unless an exception is approved by the Director or Deputy Director, Office of Personnel Services.

(2) *Eligibility requirements*—(i) *Citizenship*—Each person appointed as a Foreign Service Information Officer candidate must be a citizen of the United States.

(ii) *Experience*—On the date of application, each applicant must have at least three years experience in a position of responsibility. For this purpose, a position of responsibility is defined as service as a Foreign Service Reserve officer at Class 6, a Foreign Service Staff officer at Class 4, in the Civil Service at GS-11, equivalent Armed Forces grades or private sector experience. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to that of a Foreign Service Information Officer in terms of knowledge, skills, and abilities. To be eligible, an applicant must have been in or currently be in a grade or class comparable to FSIO-6 (FSIO-7 if the applicant is a career Foreign Service Staff or Foreign Service Reserve officer of the Agency currently serving in the Foreign Service under an Upward Mobility Program) or be receiving a base salary at least equal to the first salary step of the class.

(iii) On the date of appointment as an FSIO Candidate, an applicant for lateral entry must be no more than 54 years of age.

(3) *Certification of need*—The Office of Personnel Services (MGT/P) must certify that there is a need for the applicant as an additional Foreign Service Information Officer in all cases. With the exception of employees who are serving in an established Agency affirmative action program, such a certification would only be made when there is a vacancy overseas for which no FSIO is available or the candidate has a special expertise (area knowledge, fluency in hard languages, etc.) which is needed in the FSIO Corps.

(4) *Recruitment*—It is the Agency's policy to encourage eligible personnel on its rolls to apply for lateral entry into the Foreign Service Information Officer Corps, including in particular Foreign Service Secretaries of outstanding qualifications and proven abilities.

(i) In order to increase the numbers of minority and women employees, the Agency actively recruits minority applicants for lateral entry as FSIO Candidates in Classes 3 through 6, and female applicants as FSIO Candidates in Classes 3 through 5.

(ii) The Agency also considers highly qualified applicants from other agencies of the Government and from outside the Federal service. Appointment from these sources for the limited vacancies available are made on a competitive basis to fill specific Service needs after assuring that the vacancies cannot be filled by Foreign Service Information Officers already in the Foreign Service Information Officer Corps.

(5) *Method of application*—(i) Applicants for lateral entry must complete Standard Form 171, Personal Qualifications Statement, and Form DSP-34, Supplement to Application for Federal Employment, and forward them to the Employment Branch, Office of Personnel Services, International Communication Agency, Washington, D.C. 20547. Applicants from outside the Agency must also submit an autobiography of no more than four typewritten pages in length, a 500-word essay on why they would like to join USICA, and a transcript of all graduate and undergraduate course work.

(ii) Application is made for a Foreign Service Information Officer candidate appointment, not for a class. The Agency establishes a file for each applicant, placing therein all available documentation of value in evaluating the applicant's potential for appointment as a Foreign Service Information Officer. The file is reviewed initially to determine if the applicant meets the eligibility requirements and to assess his/her skills relative to the needs of the Service. The examination of the candidates is based on the needs of the Service for specific skills and experience.

(iii) Applications are reviewed by the Foreign Service Personnel Division, MGT/P. In addition to certifying a need for the applicant as an additional FSIO (Section 501.5(e)(3)), the Foreign Service Personnel Division will also determine the class at which the candidate is to be considered for appointment. The initial presumption is that the candidate is eligible for examination for the Foreign Service class which equates with salary level at the time of examination. In evaluating qualifications, and in conducting oral examinations, the candidate's total qualifications in comparison with officers at his/her current class level are carefully assessed. However, the Foreign Service Personnel Division may certify a

candidate for appointment at a Foreign Service class other than that equating to his/her salary in those instances where it is determined that the candidate's qualifications clearly warrant such action. A candidate's total qualifications will have an important bearing on the decision to certify a candidate for appointment at a class other than that which equates to his/her current salary.

(iv) If MGT/P fails to certify that there is a need for the applicant as an additional FSIO, the application will remain valid for one calendar year from date of submission. After that time a candidate who wishes to continue being considered for certification of need must reapply. A candidate may withdraw his/her application at any time.

(v) The filing of an application does not in itself entitle an applicant to examination. The decision whether to proceed with an oral examination, as well as with a background and medical investigation, is made by the Board of Examiners after a thorough review of the applicant's qualifications. Each applicant's background, experience, performance, and other related documentation are carefully studied and evaluated. Careful consideration is given to the functional needs of the Service in making this assessment. An oral examination is granted only in those cases where the applicant is found to possess superior qualification, proven ability, and high potential for advancement. If the applicant fails to be certified by the Board of Examiners for the Foreign Service as a successful candidate following an oral examination, the candidacy will be terminated. The candidate may, however, reapply after 12 months from the date of the oral examination by submitting a new application.

(6) *Examination process for FSIO candidates.* (i) *Written examination*—A written examination will not normally be required of applicants for lateral entry appointments. However, if the volume of applications is such as to make it infeasible to examine applicants orally within a reasonable time, such applicants may be required to take the Professional and Administrative Career Examination (PACE) or other appropriate examination. Only those who receive a grade on such an examination above a point determined by the Board of Examiners will be eligible to take an oral examination.

(ii) *Oral examination*—Candidates recommended for consideration by the Board of Examiners for the Foreign Service are given an oral examination by a Panel of Deputy Examiners appointed by BEX. The oral examination

is given in Washington, D.C. and at other U.S. locations.

(iii) *Written essay*—Applicants scheduled to take an oral examination may be asked to write an essay on the day of the examination on a topic to be specified to enable the Panel of Deputy Examiners to judge applicant's abilities to express themselves effectively and appropriately in writing.

(iv) *Purpose*—The purpose of the oral examination is to determine the applicant's competence to perform the work of a Foreign Service Information Officer at home and abroad, potential for growth in the Service, and suitability to serve as a representative of the United States abroad.

(v) *Grading*—Candidates appearing for the oral examination will be graded "recommended" or "not recommended." The candidacy of anyone who is graded "not recommended" is automatically terminated and may not be considered again until the candidate reapplies after 12 months.

(vi) *Language proficiency*—All applicants who pass the oral examination are required to take a language aptitude test. While present knowledge of a foreign language is not required, lateral entrants may receive only one promotion until tested proficiency in one foreign language has been achieved.

(7) *Certification for appointment*—The Board of Examiners for the foreign Service will certify to the Employment Division, Office of Personnel Services (MGT/PDE), the names of successful applicants and the class for which each applicant is qualified.

(8) *Background investigation*—An investigation shall be conducted of candidates who have been certified for appointment by the Board of Examiners as required by E.O. 10450 to determine loyalty to the U.S. Government, attachment to the principles of the Constitution, and fitness of the applicant for service in the Agency's Foreign Service. The Department of State Foreign Affairs Manual (FAM) Volume 3, paragraph 622 outlines the suitability guidelines for appointment and continued employment in the Foreign Service.

(9) *Medical examination*—A candidate certified for appointment and his/her dependents who will reside with the applicant on tours abroad will be eligible for the physical examination. Section 501.4(d)(3) gives details on the medical examination.

(10) *Appointment as an FSIO candidate*—After the results of the medical examination and the background investigation are received by MGT/PDE, the applicant who has

passed all aspects of the process will be eligible for appointment as an FSIO Candidate. MGT/PDE will maintain a register of applicants eligible for appointment as FSIO Candidates. Appointments will be made to available openings from the candidates entered on the register for the class of the position to be filled. Normally FSIO Candidates will not be appointed until an overseas assignment has been identified for which no current FSIO is available.

(11) *Termination of eligibility*—FSIO Candidates who have qualified but have not been appointed because of lack of vacancies will be dropped from the register 18 months after the date of certification.

The Chief, Foreign Service Personnel Division may extend the eligibility period when such extension is, in the Chief's judgment, justified in the interests of the Service.

(12) *Travel expenses of candidates*—Section 501.4(d)(8) defines the exceptional circumstances under which a candidate's travel expenses may be paid.

§ 501.6 Appointment of overseas specialists.

(a) Under the provisions of Pub. L. 90-494 and Section 521 of the Foreign Service Act of 1946, as amended, applicants who succeed in the examination and selection process are given temporary three-year Foreign Service Limited Reserve appointments as Overseas Specialists in Classes 3 through 8 for the following types of positions: general administration, publication writing and editing, exhibits managers, printing specialists, English teaching specialists, audio-visual production specialists, correspondents for the Voice of America, engineers (professional, power plant and radio), radio electronic and technical monitors, radio antenna maintenance specialists, regional librarian consultants. Secretaries are given Foreign Service Staff appointments. The FSLR appointment may be extended for an additional two-year period. Overseas Specialists must apply and be converted to Foreign Service Reserve Officer with Unlimited Tenure (FSRU) after three, but before five years. The purpose of the untenured appointment is to allow the Agency to evaluate and assess the Overseas Specialist's abilities and future potential prior to offering tenure in his/her overseas speciality.

(b) Overseas Specialists compete for promotion by the Annual Specialist Selection Boards with other officers in the same speciality and at the same class level.

(1) *Recruitment of specialists*—The Agency uses all available recruitment sources to assure the selection of the best qualified candidates for consideration for appointment to positions in the Agency. Recruitment of qualified applicants for specialist positions is done in accordance with the speciality requirements of each position. USICA employees will be given priority consideration over outside applicants for overseas specialist positions.

(2) *Method of applicant*—Applicants for overseas specialist positions forward Standard Form 171, Personal Qualifications Statement, to the Employment Branch, Office of Personnel Services, International Communication Agency, Washington, D.C. 20547.

Applications are reviewed by the Employment Branch (MGT/PDE) of the Office of Personnel Services, and by an Agency official familiar with the qualifications requirements for the speciality. Applicants selected for further consideration will be given an oral examination.

(3) *Eligibility requirements*: The religion, age, color, race, sex, national origin, marital status or plans, creed, political affiliation, membership in or activity on behalf of employee organizations, or initiation of or participation in grievance procedures of an applicant will not be considered in designation, examination, or certification. Each person appointed as a Foreign Service Limited Reserve or Staff officer must be a citizen of the United States, and on the date of appointment must be at least 21 years of age and no more than 54 years of age. In addition to other requirements for employment in the Agency's Foreign Service, applicants for Foreign Service Secretary positions must be able to take shorthand at a minimum speed of 80 words per minute and transcribe with accuracy, to type a minimum of 60 words per minute, and must have three years of secretarial experience.

(4) *Examination process for overseas specialist positions*: (i) Applicants selected for further consideration appear before a panel of Board of Examiners for the Foreign Service (BEX) for an oral examination. The purpose of the oral examination is to obtain a judgment on the qualifications and fitness of applicants for Foreign Service employment and to recommend the class for which the panel considers the applicant qualified.

(ii) The oral panel is convened by MGT/PDE and consists of a minimum of three Agency officers. One panel member and the chairperson will be officials of the Office or Service technically competent in the functional

field for which applicants are being considered, and one member will be from the Foreign Service Personnel Division (MGT/PF).

(iii) The panel will examine each applicant through questioning and discussion and will formulate recommendations regarding Foreign Service Limited Reserve appointment as an Overseas Specialist. If the panel recommends further consideration, the applicant will be eligible for the medical and background examinations.

(iv) The applicant and his/her dependents who will reside with the applicant on tours abroad must have a physical examination as outlined in § 501.4(d)(3).

(v) An investigation shall be conducted of applicants required by E.O. 10450 to determine loyalty to the U.S. Government, attachment to the principles of the Constitution, and fitness of the applicant for service in the Agency's Foreign Service. The Department of State Foreign Affairs Manual (FAM) Volume 3, paragraph 822 outlines the suitability guidelines for appointment and continued employment in the Foreign Service.

(vi) Applicants for overseas specialist positions are not required to demonstrate language ability.

(5) *Appointment as an Overseas Specialist*: After the results of the medical examination and background investigation are received by MGT/PDE, the applicant who has passed all aspects of the process will be eligible for a Foreign Service Limited Reserve or Staff appointment as an Overseas Specialist. MGT/PDE will maintain a register of applicants eligible for appointment. Appointments will be made to available openings from the candidates entered on the register for the speciality of the position to be filled. Normally Overseas Specialists will not be appointed until an overseas assignment has been identified for which no current Overseas Specialist is available.

(6) *Travel expenses of applicants*: Section 501.4(d)(8) defined the exceptional circumstances under which an applicant's travel expenses may be paid.

§ 501.7 Appointment of FSIO as Chief of Mission.

(a) *Appointment by President*—Chiefs of Mission are appointed by the President, by and with the advice and consent of the Senate. They may be career members of the Foreign Service or they may be appointed from outside the Service.

(b) *Recommendation of Foreign Service Information Officers*—On the

basis of recommendations made by the Board of the Foreign Service and the Director of USICA, the Secretary of State from time to time furnishes the President with the names of Foreign Service Information Officers qualified for appointment as Chiefs of Mission. The names of these officers, together with pertinent information concerning them, are given to the President to assist him/her in selecting qualified candidates for appointment as Chiefs of Mission.

(c) *Status of Foreign Service Information Officers Appointed as Chiefs of Mission*—Foreign Service Information Officers who are appointed as Chiefs of Mission retain their status as Foreign Service Information Officers.

§ 501.8 Interchange of Foreign Service Officers and Foreign Service Information Officers Between the Department of State and the International Communication Agency.

As the result of an agreement between the Department of State and the International Communication Agency, Foreign Service Officers desiring to become Foreign Service Information Officers and Foreign Service Information Officers desiring to become Foreign Service Officers may apply for lateral entry under the following provisions:

(a) Applications for interchange appointments should be sent to the Board of Examiners for the Foreign Service, Department of State, Washington, D.C. 20520.

(b) When a Foreign Service Officer wishes to convert to Foreign Service Information Officer status, a certification of need is required from the Director, Office of Personnel Services, International Communication Agency and approval is required by the appropriate Deputy Assistant Secretary of Personnel, Department of State, for the officer's release to the International Communication Agency.

(c) When a Foreign Service Information Officer wishes to convert to Foreign Service Officer status, a certification of need is required from the appropriate Deputy Assistant Secretary of Personnel, and approval is required by the Director, Office of Personnel Services, International Communication Agency, for the officer's release to the Department of State.

(d) The oral examination requirement for lateral entry candidates from the Department of State to the International Communication Agency and vice versa is waived for candidates who otherwise satisfy the requirements established under this paragraph. A review by the Board of Examiners for the Foreign

Service will certify the eligibility of candidates for appointments after the provisions under paragraph (b) or (c) of this Section, as appropriate, have been met.

(e) The change in appointment from Foreign Service Officer to Foreign Service Information Officer and vice versa will not be final until the new appointment is made by the President, by and with the advice and consent of the Senate.

§ 501.9 Reappointment of Foreign Service Information Officers.

The President may, by and with the advice and consent of the Senate, reappoint to the Service a former Foreign Service Information Officer who is separated from the Service. The reappointment of any such person is governed by the following regulations:

(a) *Requirements for reappointment.* No applicant will be considered who has previously been separated from the Foreign Service pursuant to Sections 633, 635, or 637 of the Foreign Service Act of 1946, as amended; or who resigned or retired in lieu of selection-out or separation for cause.

Note.—This requirement will not apply where it has been determined by the foreign Service Grievance Board under 22 CFR Chapter I, Part 16 or by the Director, Office of Personnel Services that the separation or the resignation or retirement in lieu of selection-out or separation for cause was wrongful; where reappointment is determined by the Director or Deputy Director, Office of Personnel Services as an appropriate means to settle a grievance or complaint of a former Foreign Service Information Officer on a mutually satisfactory basis; or where reappointment is the indicated redress in a proceeding under The Department of State Foreign Affairs Manual (FAM) Volume 3 Section 130, "Equal Employment Opportunity."

(b) *Application.* Candidates may apply by letter addressed to the Director, Office of Personnel Services. The application should include the standard application forms, SF-171, Personal Qualifications Statement, and DSP-34, Supplement to Application for Federal Employment, and a brief resume of work and other experience since resignation from the Foreign Service. Whenever the Director, Office of Personnel Services finds that the reappointment of one or more former Foreign Service Information Officers may be in the best interest of the Service, all application forms, along with the available personnel files will be referred to the Board of Examiners for the Foreign Service which will conduct an advisory evaluation of the qualifications of each applicant.

(c) *Nature of advisory evaluation.* The advisory qualifications evaluation (1) will be based on a review of all pertinent information relating to the applicant's record of employment in the foreign Service and to subsequent experience, as well, and (2) will take into consideration, among other factors, the rank of the applicant's contemporaries in the Service in recommending the class in which the applicant will be reappointed under Section 520 of the foreign Service Act of 1946, as amended.

(d) *Physical examination.* Qualified applicants will be given a physical examination and no applicant will be reappointed who is found disqualified for duty overseas. Section 501.4(d)(3) gives details on the medical examination.

(e) *Selection for reappointment.* The Director, Office of Personnel Services, taking into consideration (1) the qualifications and experience of each candidate as outlined in the qualifications evaluation performed by the Board of Examiners for the Foreign Service, (2) future placement and growth potential, and (3) the needs of the Service for the candidate's skills, determines which candidate, or candidates, is qualified for reappointment and the appointment class that is considered to be appropriate. The Director, Office of Personnel Services is responsible for initiating appointment action, but no such action will be taken with respect to any candidate prior to the completion of a satisfactory security investigation of the candidate and a satisfactory medical examination of the candidate and dependents.

John E. Reinhardt,
Director, International Communication Agency.

[FR Doc. 80-22113 Filed 7-22-80; 8:45 a.m.]

BILLING CODE 8230-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 203, 207, and 220

[Docket No. R-80-839]

Debenture Interest Rate; Congressional Waiver Request

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional waiver request under Section 7(o)(4) of the Department of housing and Urban Development Act.

SUMMARY: This legislation permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 Seventh Street, Southwest, Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both Congressional Banking Committee the final rule listed below. The purpose of the transmittal is to request waiver of the 20 day delayed effective date for the final rule under Section 7(o)(3) of the Department of housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

**Final Rule—24 CFR 203, 207, and 220—
Debt Interest Rate**

This rule change provides for an increased debt interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for those loans or mortgages insured under the Act's section 221(g)(4) provision, committed or endorsed on or after July 1, 1980. The Secretary of the Treasury determines debt interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to increase debt interest rates for appropriate mortgages.

(Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Section 324 of the Housing and Community Development Amendments of 1978)

Issued in Washington, D.C. July 17, 1980.

Moon Landrieu,

Secretary, U.S. Department of Housing and Urban Development.

[FR Doc. 80-22077 Filed 7-22-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 888

[Docket No. R-80-838]

**Schedule A—Fair Market Rents for
New Construction and Substantial
Rehabilitation for All Market Areas—
Section 8 Projects**

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This rule would amend the Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for market areas, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

**Interim Rule—24 CFR Part 888—
Schedule A—Fair Market Rents for New
Construction and Substantial
Rehabilitation for All Market Areas—
Section 8 Projects**

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., July 17, 1980.

Victor Marrero,

Deputy Secretary, Department of Housing and Urban Development.

[FR Doc. 80-22076 Filed 7-22-80; 8:45 am]

BILLING CODE 4210-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 51

[FRL 1549-5, Docket No. A-79-40]

**Visibility Protection for Federal Class I
Areas; Guideline Availability**

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Guideline Availability and Public Hearing.

SUMMARY: The Agency on May 22, 1980 (45 FR 34762) announced its intention to provide certain draft guidelines for

public review relating to the rules proposed on that date which would require protection of visibility in certain Federal class I areas. This notice announces the availability of the guidelines and provides for public review and comment on these documents and their relevance to the previously proposed rules.

DATES: Written comments must be received no later than 4:00 p.m. (EDT) August 25, 1980 by the Central Docket Section. Rebuttal and/or supplementary comments as described below must be received no later than 4:00 p.m. (EDT) September 24, 1980. A public hearing will be held on August 25, 1980 in Washington, D.C.

ADDRESS: All written comments must be submitted (in duplicate, if possible) to: Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attn: Docket No. A-79-40. The docket may be inspected at Gallery 1, West Tower, U. S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

The public hearing will be held in the following location: Room 3908, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 beginning at 9:00 a.m. (EDT) August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Johnnie L. Pearson, Office of Air Quality Planning and Standards (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone: (919) 541-5497.

SUPPLEMENTARY INFORMATION:

A. Background and Comment Periods

Section 169A of the Clean Air Act, 42 U.S.C. 7491, requires EPA to promulgate regulations to assure reasonable progress toward the Congressionally declared goal of "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." EPA proposed such regulations on May 22, 1980 (45 FR 34762).

This notice announces the availability of certain draft guidelines mentioned in the preamble and regulatory language of the proposal. These guidelines are designed to provide assistance to State air pollution control agencies in developing and implementing their State Implementation Plans (SIPs) for the protection of visibility. The draft guidelines are in Docket No. A-79-40 of

EPA's Central Docket Section, noted above, and are also available from the Information Contact listed above.

This notice also schedules a legislative-type public hearing for the oral presentation of data, views, or arguments on the proposed guidelines and their relationship to the proposed visibility regulations. Any persons wishing to speak at the public hearing should, by August 20, 1980, notify the Information Contact of their intent to speak. Oral presentations will generally be limited to 15 minutes. Additional time will be made available based upon the number of commenters and the demonstrated need for additional time. Persons not providing prior notice but desiring to speak will be accommodated as time permits. EPA will place all written comments received and a verbatim transcript of this public hearing in the docket. EPA will keep the rulemaking docket open for 30 days after August 25, 1980 (i.e., until September 24, 1980) for information rebutting or supplementing comment made at the August 25, 1980, hearing. EPA will regard any material that raises a new issue as neither rebutting nor supplementing a previous comment.

B. The Draft Guidelines

The proposed regulation would *not* require the use of the monitoring or modeling guidelines. Rather, the guidelines are intended to aid the States and permitting officials in their decision-making on issues regarding visibility impacts. The intended application of the guidelines is discussed in the preamble to the proposed visibility regulations (45 FR 34774).

Visibility Monitoring

The "Interim Guidance for Visibility Monitoring" discusses the substantial information available regarding visibility monitoring methods in use at present. The proposed regulations require the State to consider visibility monitoring and data in two aspects. The first is in the development of a monitoring strategy for use of currently available data (see proposed § 51.305 and accompanying statement). The second aspect is the possible need for monitoring associated with a proposed major emitting facility or major modification. Although technical limitations preclude EPA from promulgating a standard reference method for visibility monitoring at this time, the interim guidance summarizes available information in terms of interim monitoring recommendations which the State may use in some cases of PSD monitoring and other areas where it

determines monitoring information is needed.

The Agency is continuing the process of developing a standardized reference method for visibility monitoring. Further detail regarding operation and maintenance, and quality assurance will be available in the near future. A reference method is expected in 1983 at which time the Agency will review its rules regarding visibility monitoring.

BART Guideline

The Guideline for Determining Best Available Retrofit Technology for Coal-Fired Power Plants is divided into two parts. Part I outlines procedures by which a BART analysis is conducted. It is being repropounded today in order to more clearly define the BART selection process and provide additional background information for determining BART for coal-fired power plants. Part II discusses various retrofit systems and control alternatives, the cost of such alternatives, and other impacts that could result from retrofitting.

Use of this guideline is required for 750 MW fossil fuel-fired power plants, and is recommended for all other major stationary sources analyzed for BART (see proposed § 51.302(c)(4)(iv) and accompanying statement). For fossil fuel-fired power plants greater than 750 MW the guideline requires the State to provide a detailed justification if the State selects a BART emission limit that is less stringent than the emission limits established by the 1979 revision to the new source performance standard for power plants (44 FR 33580, June 11, 1979). Comments received on the previously proposed document will be considered during the finalization of this guideline and to the extent applicable need not be resubmitted.

Visibility Monitoring

The Agency outlined its position on visibility modeling at 45 FR 34774-5. Original work, sponsored by EPA, to prepare analytical techniques for use in visibility impairment assessments culminated in the 1978 publication of the 3-volume set "The Development of Mathematical Models for the Prediction of Anthropogenic Visibility Impairment" (EPA-450/3-78-110a,b,c), previously referenced at 45 FR 34763. Knowledge gained from various field studies, including EPA's VISTTA program, and further research has resulted in modification and improvement of visibility modeling techniques. Although certain shortcomings in refined modeling capabilities are recognized, EPA believes that screening techniques are at the point where they should now be employed to assist in visibility

impairment assessments. These techniques are incorporated in the "Workbook for Estimating Visibility Impairment" (Draft), also being released for comment today. The approach is through a hierarchy of three levels of analysis, somewhat analogous to that contained in EPA's "Guidelines for Air Quality Maintenance Planning and Analysis Volume 10 (Revised): Procedures for Evaluating the Air Quality Impact of New Stationary Sources," EPA-450/4-79-001. Frequent consultation between users and decision-makers is encouraged so that difficulties, misapplications or unjustified interpretation of results can be avoided. Comments are solicited on the appropriateness of the level-1 and level-2 procedures and associated scenarios.

EPA is not alone in the development of plume visibility models, their testing and evaluation/validation. However, no visibility model has been placed in the public domain. The PLUVUE model is being released for comment at this time while testing, evaluation and further research are underway. PLUVUE is considered to be a research model with a number of scientific issues yet to be resolved. However, releasing the model now will allow the user community to assist the Agency in improving the model while all parties will gain valuable experience in this area. Comments are solicited on the level-3 procedures in the Workbook as well as on the companion document, "User's Manual for the Plume Visibility Model (PLUVUE)" (Draft).

As mentioned above, testing/evaluation of PLUVUE is underway, primarily utilizing data from EPA's VISTTA program. The results of this effort will be available by November 1980 and will be presented at the Conference entitled, "Plumes and Visibility: Measurements and Model Components", scheduled for November 10-14, 1980. EPA will then provide a definitive statement on the conditions under which the use of PLUVUE can be supported. Just as the proposed regulations for visibility have utilized a phased approach to implementation, the development of simulation models for visibility impairment assessment also is proceeding by an evolutionary process/phased approach.

This notice and accompanying guidelines are issued under the authority granted in Sections 110, 114, 160-169, 169A, and 301 of the Clean Air Act, 42 U.S.C. 7410, 7414, 7470-7479, 7491 and 7601.

Dated: June 18, 1980.

David G. Hawkins,
Assistant Administrator for Air, Noise and
Radiation.

[FR Doc. 80-22160 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1545-4]

Approval and Promulgation of Implementation Plans; Metropolitan Pima County Nonattainment Area Plan and Regulations in the State of Arizona

AGENCY: Environmental Protection
Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On July 6, 1979 (44 FR 39480), the Environmental Protection Agency (EPA) published a Notice of Proposed Rulemaking for the Metropolitan Pima County Nonattainment Area Plan (NAP) for carbon monoxide (CO) and total suspended particulates (TSP). Revisions to this NAP have been submitted to EPA by the Governor's designee. The revisions consist of amendments to the control strategy for the Metropolitan Pima County NAP, amendments to Pima County Air Quality Control District's Rules and Regulations, and amendments to Arizona's Rules and Regulations for Air Pollution Control. The intended effect of these revisions is to correct certain deficiencies in the previously submitted NAP which had been identified in the July 6, 1979 notice.

The EPA invites public comments on these revisions, the identified deficiencies, the suggested corrections and associated proposed deadlines, and whether the overall plan or certain portions of the plan should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D.

DATES: Comments may be submitted up to August 22, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105.

Copies of the proposed revisions, the NAP, and EPA's associated evaluation reports are contained in document file No. NAP-AZ-2 and are available for public inspection during normal business hours, at the EPA Region IX Office at the above address and at the following locations:

Arizona Department of Health Services,
Bureau of Air Quality Control, 1740
West Adams Street, Phoenix, AZ
85007.

Pima Association of Governments, 405
Transamerica Building, Tucson, AZ
85701.

Public Information Reference Unit,
Room 2404 (EPA Library), 401 "M"
Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Douglas Grano, Chief, Regulatory
Section, Air Technical Branch, Air &
Hazardous Materials Division,
Environmental Protection Agency,
Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Proposed Action

The revisions have been reviewed for conformance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas."

EPA's review indicates that the following portions of the revisions are consistent with the Part D requirements and are therefore proposed to be approved and incorporated into the State Implementation Plan (SIP): Emission inventory, modeling, emission reduction estimates, attainment provision for CO, reasonable further progress, legally adopted measures for TSP, emissions growth, annual reporting, resources, public and local government involvement, and public hearing requirements.

The following portions of the revisions contain minor deficiencies with respect to Part D and are therefore proposed to be approved and incorporated into the SIP, with the condition that each deficiency be corrected by a specified deadline: Attainment provision for TSP, legally adopted measures for CO, and the permit program.

Therefore, EPA is revising the July 6, 1979 proposed rulemaking action regarding the Metropolitan Pima County NAP and, in this notice, proposes to conditionally approve the NAP with respect to Part D of the Clean Air Act.

Upon final rulemaking action, conditional approval would be sufficient to lift the current prohibition on construction of certain new or modified sources in the Metropolitan Pima County Nonattainment Area. This prohibition is required by the Clean Air Act and is discussed in detail in the July 2, 1979 Federal Register (44 FR 38471).

Background

New provisions of the Clean Air Act, amended in August 1977, Public Law No. 95-95, require states to revise their SIPs for all areas that do not attain the

National Ambient Air Quality Standards (NAAQS).

On April 4, 1979 (44 FR 20372), EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published Supplements to the General Preamble on July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, and 67182). The General Preamble supplements this notice by identifying the major considerations that will guide EPA's evaluation of the plan submittal.

Pima County is currently designated as nonattainment for CO and TSP in the Tucson Air Corridor, for TSP in one township area surrounding Ajo, and for sulfur dioxide (SO₂) in five township areas surrounding Ajo. The Ajo nonattainment areas will be the subject of future Federal Register notices.

On September 19, 1979 (44 FR 54294), EPA published a Federal Register notice redesignating the Tucson Air Corridor (now named the Tucson Air Planning Area) from nonattainment for photochemical oxidants to attainment for ozone. As a result of the redesignation, the State is not subject to the requirements of Part D of the Clean Air Act for ozone in the Tucson area.

On March 20, and 27, 1979, the Director of the Arizona Department of Health Services, the Governor's official designee, submitted to EPA the Metropolitan Pima County NAP for CO and TSP, respectively, as revisions to the Arizona SIP. In addition, on March 21, 1979 the Governor's designee submitted revisions to Arizona's Inspection/Maintenance Program (I/M). EPA evaluated the submitted plans and the I/M program with respect to the Clean Air Act requirements and published notices of proposed rulemaking in the Federal Register on July 5 and July 6, 1979. Those notices provide descriptions of the revisions, summarize the applicable Clean Air Act requirements, compare the revisions to those requirements, identify deficiencies, and suggest corrections. Those notices should be consulted for necessary background information concerning today's proposed rulemaking action.

Description of Proposed SIP Revisions

This notice includes NAP related SIP revisions submitted by the Governor's designee prior to April 15, 1980. The revisions submitted on October 9, 1979, February 28, and April 1, 1980 include: (1) Amendments to the control strategy for the Metropolitan Pima County NAP for CO and TSP; (2) amendments to Pima County Air Quality Control District's Rules and Regulations; and (3)

amendments to Arizona's Rules and Regulations for Air Pollution Control. In order to expedite EPA's review of the NAP, this notice addresses only the new source review portions of the State and County regulations mentioned above which appear to relate to applicable Part D requirements, and thus support the NAP. The regulation revisions and the appropriate submittal dates are listed below:

Pima County Air Quality Control District Rules and Regulations

October 9, 1979

Regulation 17: Definitions and Meanings
Rule 171 B.1. Air Contaminant or Air Pollutant

- Rule 171 B.1.a. Common Air Pollutant
- Rule 171 B.7. Emission or Emissions
- Rule 171 B.8. Source or Emission Source
- Rule 171 C.1.a. Existing Source
- Rule 171 C.1.b. New Source
- Rule 171 C.2.a. Major Source
- Rule 171 C.2.c. New Major Source
- Rule 171 C.2.d. Modification or Alteration
- Rule 171 C.3.a. Stationary Source
- Rule 171 E.1.b. Lowest Achievable Emission Rate

Regulation 42: Standards For Non-Attainment Areas

- Rule 421: Applicability
- Rule 422: TSP Clean-Air Plan
- Rule 423: TSP Emission Data Bank
- Rule 424: Emission-Offset Requirement
- Rule 425: Lowest Achievable Emission Rate (LAER)

Rule 426: Existing Sources in Compliance

Regulation 50: Periodic Testing
Rule 504, Pre-Installation Testing or Modeling Requirements

Arizona Rules and Regulations for Air Pollution Control

April 1, 1980

R9-3-101, Definitions

- No. 7, Allowable Emissions
- No. 27, Commenced
- No. 46, Emission
- No. 49, Excess Emissions
- No. 72, Lowest Achievable Emission Rate
- No. 73, Major Alteration
- No. 74, Major Source
- No. 81, New Source
- No. 96, Pollutant
- No. 97, Potential to Emit
- No. 117, Source
- No. 122, Stationary Source
- No. R9-3-301, Installation Permits
- R9-3-302, Installation Permits in Nonattainment Areas
- R9-3-303, Offset Standards
- R9-3-304, Installation Permits in Attainment Areas
- R9-3-305, Air Quality Impact Analysis and Monitoring Requirements
- R9-3-306, Operating Permits
- R9-3-307, Replacement

Criteria for Approval

The following list summarizes the basic requirements for Nonattainment Area Plans. The citations which follow referring to Part D of the Clean Air Act,

provide the bases for these requirements.

1. An accurate inventory of existing emissions (172(b)(4)).
2. A modeling analysis indicating the level of control needed to attain by 1982 (172(a)).
3. Emission reduction estimates for each adopted control measure (172(a)).
4. A provision for expeditious attainment of the standards (172(a)).
5. Provisions for reasonable further progress as defined in section 171 of the Act (172(b)(3)).
6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, in certain circumstances where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures (172(b)(2), (8) and 10)).
7. An identification of an emissions growth increment (172(b)(5)).
8. Provisions for annual reporting with respect to items (5) and (6) above (172(b)(3) and (4)).
9. A permit program for major new or modified sources (172(b)(6) and 173).
10. An identification of and commitment to the resources necessary to carry out the plan (172(b)(7)).
11. Evidence of public, local government, and state involvement and consultation (172(b)(9)).
12. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing (172(b)(1)).

Discussion

The paragraph numbers below correspond to the Part D nonattainment area plan requirements described in the preceding section, CRITERIA FOR APPROVAL. In this section, the word "plan(s)" means the overall NAP or portions of the NAP, specific to certain pollutant(s). Where a plan deficiency is identified, recommendations for revision of the plan are specified. As noted in the SUMMARY section, EPA reviewed the revisions for conformance with these requirements and, in this section, identifies the portions of the overall plan that (1) are approvable and (2) are conditionally approvable with respect to Part D.

1. Emissions Inventory.—The TSP inventory submitted by the State and noticed on July 6, 1979 (44 FR 39480) has been subsequently modified as described in a separate document, *Technical Basis for New Source Review Regulations, Pima County, Arizona* (AQ-125-a) (submitted to EPA as a SIP revision on February 28, 1980). This modification satisfies the concerns

discussed in EPA's July 6, 1979 Notice of Proposed Rulemaking.

The CO inventory is for the Tucson Metropolitan Area, an area smaller than the nonattainment area. However, due to the lack of measured or predicted violations for CO outside the Tucson Metropolitan Area, the CO inventory is an adequate basis for the CO control strategy.

Therefore both the CO and TSP emission inventories are reasonably accurate, comprehensive and current and EPA proposes to approve this portion of the plans.

2. Modeling.—EPA finds the modeling analyses in the NAP for CO and TSP acceptable and proposes to approve this portion of the plan.

3. Emission Reduction Estimates.—EPA finds the area, stationary and inspection/maintenance emission reduction estimates contained in the plans acceptable and proposes to approve this portion of the CO and TSP plans.

4. Attainment Provision.—On August 15, 1978, the State requested redesignation of the boundary of the Pima County nonattainment area, reducing it in size to the Tucson Air Planning Area (TAPA). On March 19, 1979, EPA approved the redesignation to the TAPA whose boundary closely follows the mountain ranges around Tucson and occupies the eastern third of the county. However, the plans for CO and TSP address only the Tucson Metropolitan Area, the urban portion of the TAPA.

Carbon Monoxide

As discussed in the July 6, 1979 notice, the Tucson Metropolitan Area is an acceptable planning area for CO. Therefore EPA proposes to approve this portion of the CO plan.

Total Suspended Particulates

The plan demonstrates attainment of the primary TSP standard in the Tucson Metropolitan Area portion of the nonattainment area through a commitment to an emission reduction schedule from 1979 to the attainment year of 1982. However, the plan does not demonstrate attainment in the boundary area (that area inside the TAPA but outside the Tucson Metropolitan Area). In this boundary area, the monitor in the Rillito area has recorded valid air quality standard violations and a major point source exists there. Therefore the attainment demonstration for TSP must reflect the larger TAPA.

In order to remedy this deficiency for the Rillito area, the following tasks need to be performed:

(1) Determine the cause of the violation at Rillito;

(2) Adopt additional traditional source control measures. However, if there are further traditional sources to be controlled, then EPA requires a commitment (with schedules) for studies or demonstration projects to determine nontraditional source emission factors and effectiveness of possible control measures; and

(3) Submit the resultant control strategy demonstration and adopted control measures or commitments to EPA as an SIP revision, in order to provide for attainment of the TSP standard by December 31, 1982.

This portion of the primary TSP plan is proposed to be approved with the condition that the State complete the above three tasks and submit them to EPA by October 1, 1980.

On July 6, 1979, EPA's review of the plan indicated that the secondary standard for TSP could be attained within a reasonable time. The plan includes a description of a schedule for attainment of the secondary TSP standard including the required emission reductions to be achieved by paving roads and shoulders between 1982 and 1990. Since the schedule description did not reflect resource commitments, EPA stated in the July 6, 1979 notice that the State should request an extension of up to 18 months to develop and submit a complete secondary TSP attainment plan.

On October 9, 1979, Rule 422, *TSP Clean-Air Plan*, was submitted by the State. This rule specifies the net annual emission reductions needed to attain the secondary standard. The rule prohibits the construction of major new sources if Reasonable Further Progress is not achieved and if actual progress toward attainment of the primary and secondary standards for TSP is not accomplished. This regulation is currently being implemented by the County. Therefore, based on this adopted and submitted rule, EPA finds the demonstration of attainment for the secondary TSP standard acceptable. No time extension is therefore needed for development of a plan to meet secondary standards and EPA proposes to approve the attainment demonstration portion of the secondary TSP plan with the same condition as for the primary TSP attainment demonstration.

5. Reasonable Further Progress.—In the July 6, 1979 Federal Register notice, EPA found that the showing of planned emission reductions for the Tucson Metropolitan Area appeared to be consistent with the requirements of Section 172(b)(3) and the definition of

reasonable further progress in Section 171(1). However, the July 6 notice indicated that TSP emission reductions need to be shown sufficient for attainment in the boundary area of the nonattainment area outside the Tucson Metropolitan area. Pima County addressed this deficiency in Rule 422, *TSP Clean-Air Plan*, submitted on October 9, 1979 and in the *Technical Basis for New Source Review Regulations* document submitted on February 28, 1980. EPA has determined that these revisions satisfy EPA's previous concerns regarding the TSP emission reductions needed for attainment. Therefore EPA proposes to approve this portion of the CO and TSP plans.

6. Legally Adopted Measures.—As discussed in the July 6, 1979 notice, the plan indicated that reasonably available control technology (RACT) regulations on certain TSP sources under State jurisdiction within the nonattainment area may have been deficient. On October 9, 1979 the State submitted an addendum to the technical analysis. The addendum shows that all existing stationary sources of TSP presently meet the RACT requirement. EPA concludes that this provision for TSP is acceptable and proposes to approve this portion of the TSP plan.

However, EPA's July 6, 1979 review indicated that with respect to the mass transit and carpooling improvements contained in the control strategy, the CO plan must specify schedules for implementation of specific improvements.

This portion of the CO plan is proposed to be approved with the condition that the State submit to EPA by October 1, 1980, a schedule for the implementation of specific improvements to mass transit and carpooling contained in the control strategy.

7. Emissions Growth.—New source review rules are contained in the plan which require emission offsets. This is an acceptable approach for meeting the emissions growth requirements of Section 172(b)(5) and EPA proposes to approve this portion of the CO and TSP plans.

8. Annual Reporting.—EPA's July 6, 1979 review indicated the need to supplement the plan's commitment to submit annual reports with additional specific commitments from all participating agencies to develop and describe in the SIP:

- (a) Procedures for determination of conformity between transportation programs and projects and the SIP; and
- (b) Programs to monitor and report on actual field effectiveness of each

transportation control measure for which emission reduction credit is claimed.

On July 1, 1979, EPA received a commitment from the Pima Association of Governments (PAG) to submit the above additional specific work elements as part of PAG's/Pima County Air Quality Control District's FY 79-80 work program outputs by July 1, 1980. Due to PAG's commitment, EPA proposes to approve this portion of the CO and TSP plans.

9. Permit Program.—The State and Pima County have adopted rules and regulations that provide for the issuance of permits for the construction of major new or modified stationary sources. Sources emitting greater than 75 tons per day are under the exclusive regulatory jurisdiction of the State of Arizona. The Pima County and State rules have been adopted in a legally enforceable manner as required by Section 172(b)(10) of the Act.

EPA's criteria for approval of a new source permitting program are contained in Section 173, which also references essential portions of Sections 171 and 172. EPA has established further guidance based on Section 173: EPA's Emission Offset Interpretative Ruling in the January 16, 1979 Federal Register (44 FR 3274), and EPA's proposed amendments to regulations for New Source Review and to the Emission Offset Ruling in the September 5, 1979 Federal Register (44 FR 51924). The permitting program must be consistent with Section 173 and one or the other notice.

EPA's review indicates that the New Source Review (NSR) regulations are not fully consistent with the above criteria. Pima County's rules differ from EPA's in the definition of source, LAER and offset application and requirements, and statewide compliance provisions. The discrepancies are described in the Evaluation Report. EPA has determined that the deficiencies in the NSR regulation are minor deficiencies, with respect to Section 173. Therefore, EPA proposes to approve and incorporate into the SIP the NSR regulations with the following condition. The Pima County and State regulations must be revised and submitted as an SIP revision by March 1, 1981 and must satisfy Section 173 and must be consistent as a whole with either the January 16, 1979 interpretive ruling, or the September 5, 1979 proposal. An additional option is EPA's final rulemaking on the September 5, 1979 proposal has been promulgated, would be for the revised regulation to be consistent with that rulemaking. However, it should be noted that when EPA does take final action on

its September 5, 1979 proposal, the State will be under a statutory obligation to revise its NSR regulations within nine months to be consistent with that final action.

10. *Resources.*—EPA proposes to approve the CO and TSP plans' identification of financial and manpower resources and commitments.

11. *Public and Government*

Involvement.—EPA proposes to approve this portion of the plan. The July 6, 1979 proposal notice listed those plan elements pertinent to the requirements of Section 172(b)(9) and found them consistent with those requirements.

12. *Public Hearing.*—EPA proposes to approve this portion of the plan since it includes evidence of the plan's adoption after reasonable notice and public hearing as required by Section 172(b)(1).

Public Comments

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. The Regional Administrator hereby issues this notice setting forth the SIP revisions described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiencies. EPA is further interested in receiving comment on the specified deadlines for the State to submit the corrections, in the event of conditional approval.

Comments received on or before August 22, 1980, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act, and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes the available period for comments is adequate because:

(1) The plan has been available for public inspection and comment since May 1, 1979, and was the subject of a Notice of Proposed Rulemaking on July 6, 1979.

(2) The issues involved in the revisions submitted on October 9, 1979,

February 28, 1980 and April 1, 1980 are limited in scope and are sufficiently clear to allow comments to be developed in the available 30-day period; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

EPA has determined that this action is "specialized" and therefore, not subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 129, 171 to 178, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7401, 7429, 7501 to 7508, 7601(a))

Dated: June 19, 1980.

Paul De Falco, Jr.,

Regional Administrator.

[FR Doc. 80-22094 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 62

[FRL 1547-4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; California Plan To Control Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Production Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to approve, with certain exceptions, California's plan for controlling sulfuric acid mist emissions from existing sulfuric acid production units. Portions of California's plan were submitted to EPA by the Governor's designee on February 26, July 16, and September 7, 1979, and April 7, 1980 to comply with the requirements of Section 111(d) of the Clean Air Act. Section 111(d) requires States to develop plans to control emissions of designated pollutants from certain existing sources. EPA invites interested persons to comment on the plan, the identified deficiencies, and/or the consistency of the plan with respect to the requirements of the Clean Air Act.

DATE: Comments must be received on or before September 22, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Environmental Protection Agency, Region IX, Attn: Air & Hazardous Materials Division, Planning Branch, Program Development Section (A-2-1), 215 Fremont Street, San Francisco CA 94105.

Copies of the proposed plan are available for public inspection during normal business hours at the EPA, Region IX, office at the above address, and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento CA 95812. Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Wayne Blackard, Chief, Program Development Section (A-2-1), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105, (415) 556-2353.

SUPPLEMENTARY INFORMATION: Proposed Action

EPA evaluated California's plan by comparing it with the requirements for State plans for designated facilities, as set forth in Subpart B of 40 CFR Part 60, Adoption and Submittal of State Plans for Designated Facilities, and with the EPA Guideline Document, Control of Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Production Units (EPA-450/2-77-019). EPA is proposing to approve the plan, with exceptions, because it is consistent with most of the requirements of Part 60. The portions of the plan which EPA is proposing for disapproval are based on the following deficiencies.

The plan does not contain: 1) an emission inventory of designated facilities, 2) lists of witnesses who appeared at each public hearing, 3) complete provisions for requiring sources to maintain records on the nature and amount of emissions, and 4) provisions requiring sources to periodically report emission information to the State. In addition, the plan does not provide for correlating any compliance information obtained by the State with applicable emission standards and making this data available to the public.

EPA is currently working with the California Air Resources Board to correct these deficiencies. It is anticipated that the deficiencies will be corrected within 6 months.

Background

In accordance with Section 111 of the Clean Air Act (amended August 1977, Public Law No. 95-95), "Standards of Performance For New Stationary Sources," EPA has promulgated standards of performance for certain source categories. These standards include emission limits for criteria (pollutants for which National Ambient Air Quality Standards have been published) and non-criteria pollutants, and apply to "new" sources (i.e., new, modified, or reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular source category.

Paragraph (d) of Section 111 requires States to develop plans for the control of emissions of the non-criteria, or designated, pollutants from "existing" sources. "Existing" sources were defined as those which are present prior to the date on which EPA proposed new source performance standards for that particular sources category. The requirements for such plans are set forth in Subpart B of 40 CFR Part 60. (November 17, 1975; 40 FR 53346).

Subpart B states that EPA will publish a guideline document for each source category for which a State plan is required. Once a guideline document is published, and a notice of its availability published in the Federal Register, States have nine months to adopt and submit a plan for the control of emissions of the designated pollutant from existing sources. The Guideline Document for the control of sulfuric acid mist emissions from existing sulfuric acid production units was published in September 1977.

Designated pollutants which may contribute to the endangerment of public health are called "health related pollutants" while those that do not are called "welfare related pollutants." This distinction determines the closeness with which the States must follow the Federal guidelines in developing their plans. States must closely follow the EPA guideline document for the control of health related pollutants. EPA has classified sulfuric acid mist as a health related pollutant.

Assessment

On February 28, July 16, and September 7, 1979, and April 7, 1980, the Executive Officer of the California Air Resources Board (ARB) submitted a plan for controlling sulfuric acid mist emissions from existing sulfuric acid production units.

California's plan consists of three local regulations.

Rule number	Rule title	District	Date submitted
Division 21, Regulation 2.	Sulfuric Acid Production Units.	Bay Area Air Quality Management District (BAAQMD).	2/26/79
Rule 469.....	Sulfuric Acid Units.	South Coast Air Quality Management District (SCAQMD) amended 9/7/79.	2/26/79
Rule 425.....	Sulfuric Acid Mist.	San Joaquin County Air Pollution Control District.	7/16/79

In addition, a letter from the ARB referencing the appropriate portions of

the California legal code was submitted on April 7, 1980. These references satisfy the EPA requirement that the State show that it has legal authority to carry out the plan.

The submitted regulations specify emission standards, test methods, and compliance schedules. EPA has evaluated the California plan by comparing it with the requirements for State plans for designated facilities, as set forth in Subpart B of 40 CFR Part 60, Adoption and Submittal of State Plans for Designated Facilities, and with the EPA Guideline Document, Control of Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Production Units.

EPA is proposing to approve the plan, with certain exceptions, because it is consistent with most of the requirements of Part 60. A discussion of how the plan compares to the requirements of 40 CFR Part 60 follows:

Public hearing requirements for State plans submitted in accordance with Section 111(d) are set forth in 40 CFR 60.23. The ARB has certified that 30 day notices were given by the local districts prior to the public hearings. The public hearing requirements of 40 CFR 60.23 have been satisfied, with the exception of paragraph (f)(2). Paragraph (f)(2) requires the State to submit lists of witnesses who appeared at each public hearing and a brief summary of their presentations. The requirements of this paragraph have not been fulfilled by the California plan.

California's plan fulfills the legal authority requirements of 40 CFR Part 60. These provisions require that the plan show both the State and local agencies' legal authority to carry out the plan. California has shown this by including in the plan, references to the appropriate provisions of the State Health and Safety Code.

The plan contains the required emission standards, but does not completely provide for monitoring the status of compliance. With the exception of a record keeping requirement contained in the BAAQMD regulation, the plan contains no provisions for requiring sources to: (1) maintain records on the nature and amount of emissions, and (2) periodically report emissions information to the State. Also the plan does not provide for periodic inspection of subject sources. These requirements have not been fulfilled.

Related to the above requirement, the plan must also contain provisions for correlating compliance data with the applicable emission standards, and making this information available to the public. This requirement has not been satisfied.

The plan must contain emission standards and specify acceptable test methods for determining compliance. The plan does not completely fulfill these requirements because the SCAQMD regulation does not specify a test method.

The plan does not contain an emission inventory of designated facilities, and is therefore deficient with respect to this requirement.

EPA is proposing to disapprove those portions of California's plan which do not completely satisfy EPA requirements.

Other Issues

The BAAQMD regulation, in its Limitations section, leaves out the phrase, "the production being expressed as 100 percent H_2SO_4 ." The Guideline Document recommends an emission limitation which is expressed as a function of the production rate. A clear definition of the production rate is important to maintain the regulation's enforceability. Also, the SCAQMD regulation does not define sulfuric acid mist. In order to assure that the regulations are enforceable, EPA is recommending that the State correct them to reflect these comments.

Public Comments

Under Subpart B of 40 CFR Part 60, the Administrator is required to approve or disapprove the regulations submitted as a plan to control sulfuric acid mist emissions from existing sulfuric acid production units. The Regional Administrator hereby issues this notice setting forth this plan as a proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses section of this notice.

The Administrator's decision to approve or disapprove the proposed plan will be based on the comments received and on a determination of whether the plan meets the requirements of Section 111(d) of the Clean Air Act and Subpart B of 40 CFR Part 60, Adoption and Submittal of State Plans for Designated Facilities.

EPA has determined that these regulations are "specialized" and therefore not subject to the procedural requirements of Executive Order 12044. (Secs. 111 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7411 and 7601(a)))

Dated: July 10, 1980.

Paul De Falco, Jr.,
Regional Administrator.

[FR Doc. 80-22079 Filed 7-22-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1546-6]

State of New Mexico: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The New Mexico Environmental Improvement Division (NMEID) has requested that EPA change the existing nonattainment designation for carbon monoxide (CO) for the Farmington area to attainment.

EPA has reviewed the requested redesignation which is based upon two years of ambient data. This notice proposes approval of the revisions to the air quality attainment designations for New Mexico and solicits public comment on this proposed action.

DATES: Comments must be received on or before September 22, 1980.

ADDRESSES: Submit comments to: Air Program Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d) of the Clean Air Act, amended in 1977 directed each State to submit to the Administrator a list of identifying areas within the state and their status with regard to attainment of the National Ambient Air Quality Standards (NAAQS). On March 3, 1978, at 43 FR 9016, the Administrator promulgated non-attainment designations for the State of new Mexico for CO and other pollutants. These designations were effective immediately and public comment was solicited. On September 11, 1978, at 43 FR 40412, in response to comments received, the Administrator revised and amended certain of the original designations.

Section 107(d)(5) of the Act allows a State to revise and resubmit, as appropriate an amended list to the

Administrator. The State of New Mexico proposes to amend its list by redesignating the Farmington area to attainment status for CO and on November 15, 1979, submitted the revisions of the EPA.

Redesignation of the Farmington Corridors

In Air Quality Control Region (AQCR) 014, the Central Farmington area is designated as nonattainment for primary CO standards in the Code of Federal Regulations (40 CFR 81.333). The Farmington area is under consideration for revision from nonattainment to attainment. A review of the information supporting redesignation was based on ambient air monitoring data for the previous years 1977, 1978 and 1979. The NMEID proposal presents highest and second highest values for both one-hour and eight-hour averages.

From January 1977 to December 1979 the averages ranged as follows:

Year	1-hr. per average (ppm)		8-hr per average (ppm)	
	High	2d high	High	2d high
Jan-Dec/77....	19.0	13.0	7.7	6.8
Jan-Dec/78....	15.0	13.0	6.4	5.8
Jan-Dec/79....	14.0	12.0	6.3	5.0
Standard.....	35		9	

The monitor is located within a present nonattainment area and there is no evidence that the above data is invalid, based upon the quality assurance audits performed. Therefore, EPA, proposes to redesignate the Farmington area from nonattainment to attainment.

This notice of proposed rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: May 22, 1980.

Frances E. Phillips,
Deputy Regional Administrator.

[FR Doc. 80-22082 Filed 7-22-80; 8:45 a.m.]
BILLING CODE 6560-01-M

40 CFR Part 180

[PP 7E1965/P148; FRL 1547-8]

Methoxychlor; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the insecticide methoxychlor. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of the

subject insecticide on horseradish at 1 part per million (ppm).

DATE: Comments must be received on or before August 22, 1980.

ADDRESS: Send Comments To: Patricia Critchlow, Rm. E-107, Emergency Response Section, Registration Division (TS-767), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Critchlow at the above address (202/426-0223).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 7E1965 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Illinois.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide methoxychlor in or on the raw agricultural commodity horseradish.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data, considered in support of the proposed tolerance of 1 ppm in or on horseradish, were a two-year rat feeding study with a no-observed-effect level (NOEL) of 100 ppm; a two-year dog feeding study with an NOEL of 4000 ppm, a three-generation rat reproduction study with an NOEL of 200 ppm; a rat teratology study negative for teratogenic effects up to 1,250 ppm, the NOEL for fetotoxicity is 200 ppm. Carcinogenicity studies on methoxychlor have been reviewed, including the National Cancer Institute report which indicated, under the terms of the bioassay, methoxychlor was negative for oncogenic potential Osborne-Mendel rats and B₆C₃F₁ mice. However, positive evidence for the carcinogenicity of methoxychlor was observed in a study in which BALB/C and C3H strains of mice ingesting 750 ppm of methoxychlor in the diet for 2 years. BALB/C strain male mice ingesting methoxychlor developed a significant incidence of interstitial cell carcinomas of the testis. The C3H strain male mice receiving methoxychlor did not have testicular tumors.

On the basis of the BALB/C mouse study, the Agency considers the cancer risk from dietary exposure of methoxychlor-treated horseradish to be very small. If it is assumed as a worst possible case that methoxychlor

residues would be present in all fresh horseradish at the proposed tolerance level and all horseradish would be treated with methoxychlor, the lifetime risk of cancer from consuming fresh and processed horseradish is estimated to be 5 times 10^{-8} . Based on the two-year rat feeding study with the NOEL of 100 ppm (5 mg/kg/day) and using a 100-fold safety factor, the acceptable daily intake (ADI) for man is calculated to be 0.05 mg/kg of body weight (bw)/day with regard to chronic effects other than oncogenicity. If it is assumed that a 60-kg person consumes a 1.5 kg daily diet, the theoretical maximum residue contribution (TMRC) from existing tolerances is calculated to be 0.0877 mg/kg of bw/day. The TMRC from the established tolerances for methoxychlor exceeds the maximum permitted intake (MPI) by 175 percent. The MPI for a 60-kg person is calculated to be 3 mg/day.

The metabolism of methoxychlor is adequately understood and an adequate analytical method (gas chromatography using a microcoulometric detector (MCGC)) is available for enforcement purposes. There is no expectation of residues in meat, milk, poultry, and eggs since horseradish is not an animal feed item. There are presently no actions pending against the continued registration of this chemical. Tolerances have previously been established for a variety of commodities at levels ranging from 1 ppm to 100 ppm.

Thus, based on the above information considered by the Agency and the insignificance of horseradish in the diet, it is concluded that the tolerance of 1.0 ppm in or on horseradish established by amending 40 CFR 180.120 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register, that the rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 7E1985/P148". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Patricia Critchlow from 8:00

a.m. to 4:00 p.m., Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule has been reviewed, it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. (21 U.S.C. 346a(e)))

Dated: July 15, 1980.

Douglas D. Camp, *Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that Part 180 of 40 CFR be amended by adding horseradish at 1.0 ppm to § 180.120 to read as follows:

§ 180.120 Methoxychlor; tolerances for residues.

* * * * *

1 part per million in or on horseradish.

[FR Doc. 80-22078 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1102

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of permission to file reply comments in advance notice of proposed rulemaking proceeding.

SUMMARY: At 45 FR 29103, May 1, 1980, the Commission proposed to modify its procedures for the filing of railroad general rate increases.

The Commission's previously established schedule in this proceeding (extended at 45 FR 36460, May 30, 1980) allowed the filing of comments on or before July 17, 1980 but did not provide for reply comments. We shall now allow for replies due 2 weeks from publication in the Federal Register. A service list was not prepared for this proceeding. To do so now to allow for cross-service would unduly delay our action. Interested persons may review the comments in Room 1221, Interstate Commerce Commission, Washington, D.C.

DATE: Reply comments are due on or before August 6, 1980.

ADDRESS: An original and 15 copies of replies should be sent to: Room 5340,

Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275-7693.

Decided: July 16, 1980.

By the Commission, Darius W. Gaskins, Jr., Chairman.

Agatha L. Mergenovich, *Secretary.*

[FR Doc. 80-22108 Filed 7-22-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 45, No. 143

Wednesday, July 23, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 37294; Order 80-7-94]

Priority and Nonpriority Domestic Service Mail Rates Investigation; Order Fixing Final Service Mail Rates

July 16, 1980.

Issued under delegated authority July 16, 1980.

By Order 80-6-173, served June 30, 1980, we directed all interested persons to show cause why the Board should not establish the domestic service mail rates proposed therein as final rates of compensation for the period July 1 through September 30, 1980.

The time designated for filing notice of objection has elapsed and no person has filed a notice of objection or answer to the order. All persons have therefore waived the right to a hearing and all other procedural steps short of fixing a formal rate.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, the Board's Procedural Regulations promulgated in 14 CFR, Part 302, and the authority delegated by the Board in its Organizational Regulations, 14 CFR 385.16(g),

1. We make final the tentative findings and conclusions set forth in Order 80-6-173.

2. The fair and reasonable rates of compensation will be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of that mail described in Order 79-7-16, ordering paragraph 3, subparagraphs (c), (d) and (e), between the points listed in subparagraph (c), *supra*, the facilities used and useful therefor, and the services connected therewith, for the period July 1 through September 30, 1980, or until further Board order, are

those set forth in the attached Appendix.

3. We amend Order 79-7-16, ordering paragraph 3(g), by adding the following thereto:

	Standard container	Daylight container
July 1, 1980, through Sept. 30, 1980.....	3.787	3.757

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in domestic service for the period from October 1, 1980, until further Board order are the final rates established for the period July 1 through September 30, 1980.

5. The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79-7-16.

6. A copy of this order shall be served upon all parties to this proceeding.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the service date of this order.

We shall make this order effective and an action of the Civil Aeronautics Board upon expiration of the above period unless a petition for review is filed or the Board gives notice that it will review this order on its own motion.

We shall publish this order in the Federal Register.

By Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation.

Phyllis T. Kaylor,
Secretary.

Appendix.—Final Domestic Service Mail Rates, July 1, 1980, through Sept. 30, 1980

	CY 1974 Escalation rates ¹ (cents)	Escalation factors ² (percent)	Final rates ³ (cents)
Linehaul charge per billing ton-mile:			
Sack.....	11.40¢	115.92	24.81
PAL.....	6.50		14.03
Standard container.....	8.79		18.98
Daylight container.....	7.05		15.22
Terminal charge per pound originated capacity:			
Taxi:			
Sack.....	0.991	115.92	2.140
PAL.....	0.728		1.572
Standard container.....	0.979		2.114
Daylight container.....	0.973		2.101
Departure:			
Sack.....	1.186	42.30	1.988

Appendix.—Final Domestic Service Mail Rates, July 1, 1980, through Sept. 30, 1980—Continued

	CY 1974 Escalation rates ¹ (cents)	Escalation factors ² (percent)	Final rates ³ (cents)
PAL.....	0.873		1.242
Standard container.....	1.176		1.673
Daylight container.....	1.164		1.655
Noncapacity:			
Sack.....	6.064	72.48	10.459
PAL.....	6.052		10.438
Standard container.....	1.746		3.012
Daylight container.....	1.747		3.013
Total terminal charge per pound enroute:			
Sack.....	8.241		14.287
PAL.....	7.653		13.252
Standard container.....	3.901		6.799
Daylight container.....	3.864		6.770

¹ Order 78-11-80, Appendix F.

² Appendix B, Order 80-6-173.

³ July 1, 1980 through Sept. 30, 1980.

[FR Doc. 80-22080 Filed 7-22-80; 8:45 am]

BILLING CODE 6320-81-M

[Docket 34141]

Application of Trans-Panama, S.A.; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held on July 29, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Matters to be discussed will include simplification of the issues, proposed stipulations, authentication of documents, evidence requests, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., July 18, 1980.

Elias C. Rodriguez,
Administrative Law Judge.

[FR Doc. 80-22080 Filed 7-22-80; 8:45 am]

BILLING CODE 6320-81-M

Las Vegas-Honolulu Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (80-7-93).

SUMMARY: The Board is instituting the *Las Vegas-Honolulu Show-Cause Proceeding*, (Docket 38457) and is proposing to grant nonstop authority between the terminal point Las Vegas

and the terminal-point Honolulu to World Airways and any other fit, willing and able applicant that file the appropriate data.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than August 20, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the objections.

Additional Data: All would-be applicants are directed to file (a) illustrative service proposals, and (b) estimate of fuel to be consumed in the first year no later than July 28, 1980.

ADDRESSES: Objections and additional data should be filed in Docket 38457, which we entitled the *Las Vegas-Honolulu Show-Cause Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon World Airways; the Metropolitan Washington Airports, Federal Aviation Administration; California Public Utilities Commission; Hawaii State Department of Transportation, Airports Division; Maryland Department of Transportation, State Aviation Administration; Nevada Public Service Commission; Port Authority of New York and New Jersey; Los Angeles Department of Airports; Metropolitan Transportation Authority; Airport Commission of San Francisco; Airport Department of San Jose, and the airport managers and mayors of Baltimore, Boston, Honolulu, Las Vegas, Long Beach, Los Angeles, New York, Oakland, San Jose, San Francisco and Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-7-93 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-7-93 to that address.

By the Bureau of Domestic Aviation: July 15, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-22088 Filed 7-22-80; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Changed Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission originally scheduled for August 8, 1980, at Boston, Massachusetts, (FR Doc. 80-21177 on page 47717) has been changed.

The meeting now will be held on August 11, 1980. Beginning at 2:30 p.m. and will end at 5:00 p.m., at the New England Regional Office, 55 Summer Street, 8th Floor, Boston Massachusetts 02110.

Dated at Washington, D.C., July 18, 1980.
Thomas L. Neumann,
Advisory Committee Management Officer.
[FR Doc. 80-22075 Filed 7-22-80; 8:45 am]
BILLING CODE 6335-01-M

North Dakota Advisory Committee; Changed Meetings

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the North Dakota Advisory Committee (SAC) of the Commission originally scheduled for July 23, 1980, at Bismarck, North Dakota, (FR Doc. 80-20898 on page 47179) has been changed.

The meeting now will be held on July 23, 1980, beginning at 9:30 am and will end at 12:00 pm, at Dakota Association of Native Americans, 2900 E. Broadway, Bismarck, North Dakota 58501.

Dated at Washington, D.C., July 18, 1980.
Thomas L. Neumann,
Advisory Committee Management Officer.
[FR Doc. 80-22074 Filed 7-23-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Inter-Council/National Marine Fisheries Service Representatives; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic, Gulf of Mexico, New England, South Atlantic, and Caribbean Fishery Management Councils were established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). Representatives of these five Councils, as well as representatives of

the National Marine Fisheries Service's Northeast Fisheries Center, Northeast Regional, Southeast Regional, and Headquarters Offices, will meet to discuss development of the Pelagic Sharks Fishery Management Plan.

DATE: The meeting, which is open to the public, will convene on Tuesday, August 19, 1980, at 10 a.m., and will adjourn at approximately 3 p.m.

ADDRESS: The meeting will take place at the Best Western Airport Inn, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: July 18, 1980.
Robert K. Crowell,
Acting Executive Director, National Marine Fisheries Service.
[FR Doc. 80-22097 Filed 7-22-80; 8:45 am]
BILLING CODE 3510-22-M

National Marine Fisheries Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Pub. L. 96-118).

DATE: The meeting will convene on Monday, August 25, 1980, at 10:00 a.m., and will adjourn at approximately 5:00 p.m. The meeting is open to the public, however space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7454.

Dated: July 17, 1980.
Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 80-22096 Filed 7-22-80; 8:45 am]
BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss election of officers; discuss decision elements for Snapper-Grouper Fishery Management Plan (FMP); review status of Swordfish FMP/discuss Billfish FMP; update other FMP activities as appropriate and discuss other management and administrative matters.

DATES: The meetings, which are open to the public, will convene on Tuesday, August 26, 1980, at approximately 1:30 p.m., and will adjourn on Thursday, August 28, 1980, at approximately 12 noon.

ADDRESS: The meetings will take place at the Council Headquarters, One Southpark Circle, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: July 18, 1980.

Robert K. Crowell,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 80-22098 Filed 7-22-80; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Its Scientific and Statistical Committee, Its Groundfish Subpanel, and Its Salmon Subpanel; Public Meeting with Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established a Scientific and Statistical Committee, a Groundfish Subpanel and a Salmon Subpanel to assist the Council in carrying out its responsibilities.

DATES: August 6-8, 1980.

ADDRESS: The meetings will take place at the Cosmopolitan Hotel, 1030 N.E. Union Avenue, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Meeting Agendas follow:

Scientific and Statistical Committee (SSC)— (open meeting) August 6-7, 1980, (1 p.m. to 5 p.m., on August 6; 8 a.m. to 5 p.m., on August 7).

Agenda: Discuss latest draft of Groundfish Fishery Management Plan (FMP); status of salmon fishery; conduct a public comment period beginning at 3:30 p.m., on August 6, and conduct other Committee business.

Groundfish Subpanel—(open meeting)

August 6-7, 1980 (1 p.m. to 5 p.m. on August 6; 8 a.m. to 5 p.m. on August 7).

Agenda: Review latest draft of Groundfish FMP.

Salmon Subpanel—(open meeting) August 6-7, 1980 (11 a.m. to 5 p.m. on August 6; 8 a.m. to 5 p.m. on August 7).

Agenda: Review observed abundance of salmon based on latest catch and effort data compared to pre-season predictions.

Council—(open meeting) August 7-8, 1980 (10 a.m. to 5 p.m. on August 7; 8 a.m. to 5 p.m. on August 8).

Agenda: Open Session—Review latest draft of Groundfish FMP; status of salmon fishery; conduct other fishery management business, and hold a public comment period beginning at 4 p.m. on August 7.

Council—(closed meeting) August 7 (8 a.m. to 10 a.m.).

Agenda: Closed Session—Discuss the status of current maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to vacancies on subpanels and teams. Only those Council members, SSC members, and related staff having security clearance will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce with the concurrence of its General Counsel, formally determined on July 22, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy; as information which is properly classified pursuant to Executive Order and (6) as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce)

All other portions of the meeting will be open to the public.

Dated: July 21, 1980.

Robert K. Crowell,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 80-22329 Filed 7-22-80; 11:58 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Entry Into Force of the Budapest Treaty

The Patent and Trademark Office announces the entry into force on August 19, 1980 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure with respect to the United States, Hungary, Bulgaria, France and Japan. A copy of the Treaty was published in the Official Gazette on August 23, 1977 (961 O.G. 21-36).

Following entry into force of the Treaty, each State adhering or acceding thereto will be authorized to nominate depositories on its territory to serve as international depository authorities. Upon compliance with certain procedural steps set forth in the Treaty, each such depository will be designated an international depository authority.

No depository in the United States or elsewhere has yet been nominated or designated to serve as an international depository authority. It is expected, however, that some depositories will shortly be designated both in the United States and other States adhering to the Treaty. Public notice will be provided of the designation of each international depository authority and its requirements for patent deposits.

An applicant for a patent in any adhering States involving the action of a microorganism, for which a deposit is required, may make the required deposit in any international depository authority. The fact and date of making the deposit will be recognized for all patent purposes in each State adhering to the Treaty. No further deposit will be required for national patent processing or enforcement, provided a deposit is properly made under the provisions of the Treaty.

An applicant for a United States patent will not be required to proceed under the provisions of the Budapest Treaty, however. Such an applicant may rely instead on a deposit made in any depository meeting the requirements set forth in *In re Argoudelis et al.*, 168 USPQ 99 (CCPA, 1970) and reprinted in section 608.01(p), Manual of Patent Examining Procedure.

Questions or information regarding the Budapest Treaty may be directed to the Office of Legislation and International Affairs, at the following address: Box 4, Commissioner of Patents and Trademarks, Washington, D.C. 20231. The telephone number of the

Office of Legislation and International Affairs is (703) 557-3065.

Sidney A. Diamond,
Commissioner of Patents and Trademarks.

Date: July 14, 1980.

Jordan J. Baruch,
Assistant Secretary for Productivity,
Technology and Innovation.

Date: July 16, 1980.

[FR Doc. 80-22008 Filed 7-22-80; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

**Announcing Increases in the Import
Restraint Levels for Certain Wool and
Man-Made Fiber Textile Products from
Malaysia**

July 22, 1980.

AGENCY: Committee for the
Implementation of Textile Agreements.

ACTION: Increasing the consultation
levels for women's, girls', and infants'
wool sweaters in Category 446 and man-
made fiber spun yarn in Category 604,
produced or manufactured in Malaysia
and exported during the twelve-month
period which began on January 1, 1980.
(A detailed description of the textile
categories in terms of T.S.U.S.A.
numbers was published in the Federal
Register on February 28, 1980 (45 FR
13172), as amended on April 23, 1980 (45
FR 27463)).

SUMMARY: Under the terms of the
Bilateral Cotton, Wool, and Man-Made
Fiber Textile Agreement of May 17 and
June 18, 1978, as amended, between the
Governments of the United States and
Malaysia, agreement has been reached
to increase the consultation levels for
wool textile products in Category 446
from 14,113 dozen to 15,793 dozen and
for man-made fiber textile products in
Category 604 from 731,707 pounds to
804,878 pounds during the agreement
period which began on January 1, 1980
and extends through December 31, 1980.

EFFECTIVE DATE: July 24, 1980.

FOR FURTHER INFORMATION CONTACT:
William C. Boyd, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On
December 14, 1979 there was published
in the Federal Register (44 FR 72618) a
letter dated December 11, 1979 from the
Chairman of the Committee for the
Implementation of Textile Agreements
to the Commissioner of Customs, which
established levels of restraint for certain

specified categories of cotton, wool and
man-made fiber textile products,
including Categories 446 and 604,
produced or manufactured in Malaysia
and exported to the United States during
the twelve-month period which began
on January 1, 1980 and extends through
December 31, 1980. In accordance with
the terms of the existing agreement the
United States Government has agreed to
increase the consultation levels for
textile products in Category 446 and 604
to 15,793 dozen and 804,878 pounds,
respectively. In the letter published
below the Chairman of the Committee
for the Implementation of Textile
Agreements directs the Commissioner of
Customs to increase the levels to the
designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation
of Textile Agreements.

Committee for the Implementation of Textile
Agreements

July 22, 1980.

Commissioner of Customs, Department of the
Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive
amends, but does not cancel, the directive
issued to you on December 11, 1979 by the
Chairman, Committee for the Implementation
of Textile Agreements, concerning imports
into the United States of certain cotton, wool
and man-made fiber textile products,
produced or manufactured in Malaysia.

Under the terms of the Arrangement
Regarding International Trade in Textiles
done at Geneva on December 20, 1973, as
extended on December 15, 1977; pursuant to
the Bilateral Cotton, Wool and Man-Made
Fiber Textile Agreement of May 17 and June
8, as amended, between the Governments of
the United States and Malaysia; and in
accordance with the provisions of Executive
Order 11651 of March 3, 1972, as amended by
Executive Order 11951 of January 6, 1977, you
are directed to prohibit, effective on July 24,
1980, and for the twelve-month period
beginning on January 1, 1980 and extending
through December 31, 1980, entry into the
United States for consumption and
withdrawal from warehouse for consumption
of wool and man-made fiber textile products
in Categories 446 and 604, produced or
manufactured in Malaysia, in excess of the
following adjusted levels of restraint:

Category:	Adjusted 12-mo. level of restraint *
446	15,793 dozen.
604	804,878 pounds.

*The levels of restraint have not been adjusted to reflect any
imports after December 31, 1979.

The actions taken with respect to the
Government of Malaysia and with respect to
imports of wool and man-made fiber textile
products from Malaysia have been
determined by the Committee for the
Implementation of Textile Agreements to
involve foreign affairs functions of the United
States. Therefore, the directions to the
Commissioner of Customs, which are
necessary for the implementation of such
actions, fall within the foreign affairs

exception to the rule-making provisions of 5
U.S.C. 553. This letter will be published in the
Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation
of Textile Agreements.

[FR Doc. 80-22281 Filed 7-22-80; 10:55 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of Army

Performance Review Boards

ACTION: Notice.

SUMMARY: Notice is hereby given of the
names of the members of the
Performance Review Boards for the
Office of the Chief of Staff, Army, Office
of the Chief of Engineers, U.S. Army
Materiel Development and Readiness
Command and the Consolidated
Commands.

EFFECTIVE DATE: July 24, 1980.

FOR FURTHER INFORMATION CONTACT:

Carol D. Smith, Senior Executive Service
Office, Directorate of Civilian Personnel,
Headquarters, Department of Army, the
Pentagon, Washington, DC 20310 (202)
697-2169.

SUPPLEMENTARY INFORMATION: Section
4314(c)(1) through (5) of Title 5 U.S.C.,
requires each agency to establish, in
accordance with regulations prescribed
by the Office of Personnel Management,
one or more performance review boards.
The boards shall review and evaluate
the initial appraisal of senior executive's
performance by the supervisor and
make recommendations to the
appointing authority or rating official
relative to the performance of the senior
executives. Each board's review and
recommendation will include only those
senior executive's appraisals from their
respective commands or activities. A
consolidated board has been
established for those commands who do
not have enough senior executives to
warrant the establishment of separate
boards. Publication of this notice
rescinds the notice published in 45 CFR,
page 47185, dated 14 July 1980 to
account for changes in membership of
some of the boards previously
published.

The Members of the Performance
Review Board for the Office of the Chief
of Staff, Army are:

1. Mr. Jack H. Kalish, Director,
Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director,
Ballistic Missile Defense Advance
Technology Center.

3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.

4. Major General W. K. Hunzeker, Director of Resources and Management, Office of the Deputy Chief of Staff for Logistics.

5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.

6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.

7. Mr. Fredric Newman, Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel.

8. Major General Mary E. Clarke, Director, Human Resources Development, Office of the Deputy Chief of Staff for Personnel.

9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.

10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.

11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.

12. Mr. Charles H. Church, Assistant Director of Technology, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.

13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.

14. Mr. Walter W. Hollis, Scientific Advisor, U.S. Army Operational Test and Evaluation Agency.

15. Brigadier General Richard J. Bednar, Assistant Judge Advocate General for Civil Law.

16. Major General Edward B. Atkeson, Commander, U.S. Army Concepts Analysis Agency.

17. Mr. Harold L. Stugart, The Auditor General.

18. Mr. Michael A. Janoski, Deputy Auditor General.

19. Major General Morris J. Brady, Assistant Deputy Chief of Staff for Operations and Plans.

20. Major General Dwight L. Wilson, Director of Force Management, Office, Deputy Chief of Staff for Operations and Plans.

The Members of the Performance Review Board for the Office of the Chief of Engineers (OCE) are:

1. Major General James A. Johnson, Deputy Chief of Engineers.

2. Major General William E. Read, Assistant Chief of Engineers.

3. Major General E. R. Heiberg, Director of Civil Works, Chief of Engineers.

4. Brigadier General Ames S. Albro, Jr., Division Engineer, Middle East Division.

5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.

6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.

7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.

8. Mr. Lee Garrett, Chief, Engineer Division, Director of Military Programs, Office, Chief of Engineers.

9. Mr. Zane Goodwin, Chief, Engineer Division, North Central Division.

10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.

11. Mr. Rodney Resta, Chief, Engineer Division, Lower Mississippi Valley Division.

12. Mr. William N. McCormick, Chief, Engineer Division, South Atlantic Division.

13. Dr. James Choromokos, Chief, Research and Development, Office, Chief of Engineers.

14. Mr. George Brazier, Chief, Construction-Operations Division, Director of Civil Works, Office, Chief of Engineers.

15. Mr. Delbert E. Olsen, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for U.S. Army Material Development and Readiness Command (DARCOM) are:

1. Major General Robert L. Moore, Chief of Staff, HQ DARCOM—Chairman.

2. Major General Jere W. Sharp, Director, Procurement and Production, HQ DARCOM.

3. Brigadier General (P) Benjamin F. Register, Jr., Director, Material Management, HQ DARCOM.

4. Brigadier General William H. Schneider, HQ DARCOM.

5. Major General Stan R. Sheridan, Director, Development and Engineering, HQ DARCOM.

6. Mr. Francis X. McKenna, Command Counsel, HQ DARCOM.

7. Mr. William S. Charin, Deputy Director, Personnel, Training and Force Development, HQ DARCOM.

8. Dr. Seymour J. Lorber, Director, Quality Assurance, HQ DARCOM.

9. Dr. Robert E. Weigle, Technical Director, Armament Research and Development Command.

10. Mr. Richard B. Lewis, Technical Director, Aviation Research and Development Command.

11. Dr. Robert S. Wiseman, Assistant to Deputy Commanding General for Science and Technology, HQ DARCOM.

12. Dr. Hermann R. Robl, Technical Director, Army Research Office.

13. Mr. Barton J. Toohey, Comptroller, Tank-Automotive Readiness Command.

14. Mr. Thomas J. Keenan, Director, Procurement and Production, Troop Support Readiness Command.

15. Major General Robert L. Herriford, Sr., HQ DARCOM.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General William H. Fitts, Deputy Chief of Staff for Personnel, U.S. Army Forces Command.

2. Major General John B. Blount, Chief of Staff, U.S. Army Training and Doctrine Command.

3. Mr. Fred W. Wolcott, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.

4. Mr. Phillip G. Hillen, Senior Transportation Advisor, Headquarters Military Traffic Management Command.

5. Mr. Leonard J. Mabus, Technical Director/Chief Engineer, U.S. Army Communications Command.

6. Major General Charles C. Rogers, Deputy Chief of Staff for Personnel, U.S. Army, Europe and Seventh Army.

7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, U.S. Army Training and Doctrine Command.

8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.

9. Mr. John T. Newman, Technical Director, Concepts Analysis Agency.

10. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.

11. Mr. Walter W. Hollis, Scientific Advisor, U.S. Operational Test and Evaluation Agency.

12. Mr. Wayne A. Smith, Assistant Director of Supply and Management, Deputy Chief of Staff for Logistics.

William S. Fraim,
Chief Civil Service Reform Act, Special Project Office.

[FR Doc. 80-21978 Filed 7-22-80; 8:45 am]

BILLING CODE 3710-06-M

Office of the Secretary of Defense

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is

publishing Civilian Personnel Per Diem Bulletin Number 93. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 93 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 17 July 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325-9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 93

To the Heads of Executive Departments and Establishments

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, The Commonwealth of Puerto Rico and Possessions of the United States

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense dated 17 August 1966, SUBJECT: Executive Order 11294, August 4, 1966, "Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status" in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 92 except in the case identified by an asterisk which rate is effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak ¹	\$9.65
*Anaktuvuk Pass.....	140.00
Anchorage.....	72.00
Barrow.....	111.00
Bethel.....	93.00
Cold Bay.....	74.00
College.....	67.00
Cordova.....	84.00
Deadhorse.....	94.00
Dillingham.....	83.00
Dutch Harbor.....	82.00
Eielson AFB.....	67.00
Elmendorf AFB.....	72.00
Fairbanks.....	67.00
Ft. Richardson.....	72.00
Ft. Wainwright.....	67.00
Kodiak.....	84.00
Kotzebue.....	91.00
Murphy Dome.....	67.00
Noatak.....	91.00
Nome.....	90.00
Noorvik.....	91.00
Shemya AFB ¹	11.00
Shungnak.....	91.00
Spruce Cape.....	84.00
Tanana.....	90.00
Valdez.....	70.00
Wainwright.....	79.00
All Other Localities.....	62.00
American Samoa	54.00
Guam M.I.	60.00
Hawaii:	
Oahu.....	70.00
All Other Localities.....	60.00
Johnston Atoll ²	15.50
Midway Islands ¹	9.65
Puerto Rico:	
Aguadilla (incl. CG Air Station Borinquen).....	63.00
Bayamon:	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
Carolina:	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
Dorado	54.00
Fajardo:	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
Ft. Buchanan (incl. GSA Service Center, Guaynabo):	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
Mayaguez	63.00
Ponce (incl. Ft. Allen NCS)	58.00
Roosevelt Roads:	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
Sabana Seca:	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
San Juan (incl. San Juan Coast Guard Units):	
12-16-5-15.....	102.00
5-16-12-15.....	75.00
All Other Localities.....	63.00
Virgin Islands of U.S.:	
*12-1-4-30.....	89.00
5-1-11-30.....	65.00
Wake Island³	17.00
Other Localities	15.00

¹ Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

² Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal, and incidental expenses.

M. S. Healy,
OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

July 18, 1980.

[FR Doc. 80-22104 Filed 7-22-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

[Notice-1.]

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act, (5 U.S. Code, Appendix I Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATE: August 8, 9, 1980.

ADDRESS: The Albuquerque Hilton Inn, 1901 University, NE, Albuquerque, New Mexico.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, P.L. 90-576. The Council is directed to:

(A) Advise the President, the Congress, and the Secretary concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The Agenda of the National Council meeting will include the following:

August 8, 1980

9-12 Noon, 2:30-5:30 p.m.; discussion of Vocational Education Issues, Concerns, and anticipated Council Activities, fiscal year 1981 and fiscal year 1982.

August 9, 1980

9-12 noon: Continuation of above.
2:30-5:30 p.m.: summary and Determination of Council Priorities for fiscal year 1981 and 1982.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Vocational Education, located at 425-13th Street NW, Suite 412, Washington, D.C. for further information, call Virginia Solt (202) 376-8873.

Signed at Washington, D.C., on July 17, 1980.

Raymond C. Parrott,
Executive Director, National Advisory
Council on Vocational Education.

[FR Doc. 80-22061 Filed 7-22-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

[Program Solicitation DE-PA01-80IR10330]

American Indian Energy Production and Efficiency

AGENCY: Department of Energy.

ACTION: Notice.

The purpose of this Program Solicitation is to stimulate energy production and efficiency among American Indians. The Department of Energy (DOE) is soliciting proposals for projects that would contribute to these goals by producing a net energy gain, and plans to award approximately three to seven grants totaling not more than \$250,000 resulting from this solicitation.

Eligible entities under this program solicitation are American Indian Tribes or Alaskan Native Villages, Inter-Tribal Organizations, and American Indian Organizations.

Instructions for the preparation and submission of proposals, and the technical and budget criteria and program policy factors which will be used to select the proposals to receive grant awards are included in the program solicitation document.

EFFECTIVE DATE: July 18, 1980.

CLOSING DATE: August 25, 1980; 4:30 p.m., Washington, DC local prevailing time. Proposals in response to this solicitation must be received by the DOE prior to the specified date and time.

FOR FURTHER INFORMATION CONTACT:
Joseph C. Ely, PR-533, Department of

Energy, Office of Procurement Operations, 400 First Street, NW, Washington, DC 20585, Telephone: (202) 376-4277.

Copies of Program Solicitation DE-PA01-80IR10330 may be obtained by writing: Document Control Specialist, Department of Energy, Office of Procurement Operations, 400 First Street, NW M/S B-8, Washington, DC 20585.

Authority: This Program Solicitation is issued pursuant to the Energy and Water Development Appropriations Act of 1980 (Pub. L. 96-89), the Department of Energy Organization Act of 1977 (Pub. L. 95-91), and other applicable authority.

Issued in Washington, DC, July 17, 1980.

Thomas J. Davin,

Deputy Director of Procurement Operations.

[FR Doc. 80-22062 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Collins Units 4 and 5 Generating Station; Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Conduct Public Scoping Meeting

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of intent to prepare environmental impact statement and conduct public scoping meeting.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS evaluating the impact of its Proposed Prohibition Order for the Collins Units 4 and 5 Generating Station. Collins is located in Morris, Illinois, and is owned and operated by Commonwealth Edison Company. The Prohibition Order, if finalized, would prohibit the burning of petroleum or natural gas in the units. Subsequent operation of the units would require the burning of an alternate fuel such as coal. Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend the public scoping meeting which will be held on August 26, 1980, in order to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties who desire to present oral comments at the scoping meeting should provide advance notice to the Economic Regulatory Administration (ERA) as described below. Upon completion of the draft EIS, its availability will be announced in the Federal Register, at which time further comments will be solicited.

The meeting is scheduled to begin at 10:00 a.m. and will continue until all persons wishing to speak have had an opportunity to do so. Persons who are unable to attend at this time and who wish the session to extend into the evening hours must submit a written request to Mr. Steven E. Ferguson (as described below) by August 12, 1980. An evening session will be conducted if sufficient interest warrants this.

Written comments, notice of intent to present comments at the scoping meeting, and questions concerning the meeting should be addressed to: Mr. Steven E. Ferguson, Chief, Environmental Analysis Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3322, Washington, D.C. 20461, Telephone (202) 653-3684.

For general information on the EIS process, contact: Robert J. Stern, Acting Director, Division of NEPA Affairs, Office of the Assistant Secretary for Environment, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-4600.

Date and Location of Scoping Meeting: August 26, 1980 at the Grundy County Courthouse, Room 25, 111 East Washington Street, Morris, Illinois. Meeting will begin at 10:00 a.m.

Written Comments Due: September 26, 1980.

SUPPLEMENTARY INFORMATION: On December 21, 1979, the Economic Regulatory Administration (ERA) published in the Federal Register a proposed Prohibition Order for Units 4 and 5 (each 520 MW) of the Collins Generating Station, located in Morris, Illinois. The proposed order was issued pursuant to Section 301 of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620). If finalized, the order would prohibit these units from burning natural gas or petroleum as their primary energy source. The proposed prohibition order was based on ERA findings that the power plants have, or previously had, the technical capability to use an alternate fuel (coal) as a primary energy source. This finding was based on the information that the powerplants were designed and constructed to burn coal as a primary energy source.

Environmental Impact Statement

The EIS will present a comprehensive analysis of the environmental impact of ERA's proposed action in issuing a final order prohibiting Units 4 and 5 of the Collins Generating Station from burning natural gas or petroleum as primary fuels. This analysis will discuss the

environmental consequences of the proposal and alternatives, including the environmental impacts of burning coal or other fuels as primary fuels. Among the impacts to be discussed are air quality, water quality, solid waste generation and disposal, and transportation and storage of fuel, as well as other impacts determined to be potentially significant during the public comment process. In addition, the EIS will evaluate methods of meeting the requirements of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes. The EIS will be prepared in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA).

It is possible that DOE may, in the future, issue prohibition orders to other facilities in the area of the Collins Generating Station. If it appears that the environmental effects of conversions in proximity result in cumulative impacts, DOE may opt to combine these conversions in a single EIS. DOE will assess various strategies for combining or tiering requisite NEPA documentation that may better serve the decision making process. DOE solicits the public's views and suggestions in this area.

Scoping Meeting

DOE desires to know what the public considers to be the major environmental issues associated with prohibiting Collins Units 4 and 5 from burning natural gas or petroleum as their primary energy source. The meeting on August 26, 1980, at the address and time noted at the beginning of this notice, will be held to receive comments on the structure and scope of the EIS, anticipated energy/environmental problems, actions that might be taken to address them and reasonable alternatives which should be considered.

The scoping meeting will be conducted informally with the presiding officer affording all interested individuals in attendance an opportunity to speak. A transcript of the meeting will be recorded. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the meeting. Attendees at the meeting will be asked to register.

If possible, those planning to present information at the meeting should notify Mr. Ferguson. Participants are encouraged to submit to Mr. Ferguson, in advance, their intent to participate, and copies of any written material. However, public participation is

encouraged even without the advance submission of written material.

Speakers will be allotted approximately fifteen minutes for their oral statements. Should any speaker desire to provide further information for the record, such additional information may be submitted in writing by September 26, 1980. Written comments will be considered and given equal weight with oral comments. All comments or suggestions received will be carefully considered in the preparation of the draft EIS.

A transcript of the scoping meeting will be retained by DOE and made available for inspection at the Freedom of Information Library, Room 5B-180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcript.

Those individuals who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the DEIS for review and comment when it is issued should so notify Mr. Ferguson.

Any questions regarding the meeting should be addressed to Mr. Ferguson.

Issued in Washington, D.C., July 11, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 80-22012 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-12-NG]

Great Lakes Gas Transmission Co.; Applications to Amend Import Authorizations

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application to Amend Import Authorizations.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt of the application of Great Lakes Gas Transmission Company (Great Lakes) requesting an amendment to previous authorizations to permit Great Lakes to continue receiving natural gas from TransCanada Pipelines Limited (TransCanada) at a pressure of not less than 750 psig, and to continue to pay to TransCanada a service charge for compression services. The application is filed with ERA pursuant to section 3 of the Natural Gas Act. Petitions to intervene are invited.

DATES: Petitions to intervene: To be filed on or before August 12, 1980.

FOR FURTHER INFORMATION CONTACT: Timothy J. French, Division of Natural Gas, Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, Washington, D.C. 20461 (202) 653-3286.

James K. White, Acting Assistant General Counsel for Natural Gas and Mineral Leasing, 1000 Independence Ave., S.W., Forrestal Bldg., Room 5E064, Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: By an application filed on April 10, 1980, Great Lakes Gas Transmission Company (Great Lakes) requests the Economic Regulatory Administration (ERA) to issue an order prior to October 31, 1980, amending the authorizations in FERC Docket Nos. CP66-112, CP70-20, CP70-100, CP71-223, and CP71-299, to allow Great Lakes to continue receiving natural gas from TransCanada Pipelines Limited (TransCanada) at a pressure of not less than 750 psig and to continue to pay a compression service charge in addition to the currently applicable border price of \$4.47 per MMBtu under the terms and conditions of a Delivery Pressure Agreement dated July 1, 1975, as amended. Unless extended, the Delivery Pressure Agreement with TransCanada will terminate on October 31, 1980, due to expiration of the FERC's authorization.

Certain of Great Lakes' import contracts provide for deliveries of natural gas to Great Lakes at the United States-Canadian Border, near Emerson, Manitoba, Canada, at a pressure of 550 psig. However, in order to meet the delivery requirements of its customers, Great Lakes states that it requires the gas at a pressure of 750 psig. Great Lakes also states in its application that in lieu of adding compression facilities on its own system, Great Lakes entered into a Delivery Pressure Agreement with TransCanada, under which TransCanada agreed to compress the gas to at least 750 psig prior to delivery to Great Lakes for a compression service charge. Great Lakes states that constructing and operating its own compression facilities would have resulted in a higher cost-of-service to its customers than paying the compression service charge. The FERC previously granted authorization for this compression service.

Great Lakes states that its operations would require a 24,000 H.P. compressor unit to produce the requisite compression at a cost of 2.055¢ per Mcf in comparison to the present TransCanada charge of 0.6824¢ per Mcf. At an annual throughput of approximately 457,000 MMcft, the

application states that Great Lakes' customers would save approximately \$6 million if the gas is compressed by TransCanada. In view of such savings, Great Lakes has amended its agreement with TransCanada to extend its term from October 31, 1980, to October 31, 1985. Following this primary 5-year term, the agreement will continue to be effective each year thereafter until cancelled by eighteen months' notice by either party. Great Lakes requests that the ERA authorization extend until the termination of this agreement.

By a petition filed concurrently with the FERC under Section 7 of the Natural Gas Act, Great Lakes has requested the amendment of the certificates of public convenience and necessity in the applicable dockets to permit Great Lakes to continue to receive the natural gas from TransCanada at a pressure of 750 psig.

OTHER INFORMATION: The ERA invites protests or petitions to intervene in this proceeding. Such petitions are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions to intervene will be accepted for consideration if filed no later than 4:30 p.m., August 12, 1980.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the application should file a protest with the ERA in the same manner as indicated above for petition to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such a hearing is required, due notice will be given.

A copy of Great Lakes' petition is available for public inspection and copying in Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on July 17, 1980.

F. Scott Bush,
*Assistant Administrator, Regulations and
Emergency Planning, Economic Regulatory
Administration.*

[FR Doc. 80-22011 Filed 7-23-80; 8:45 am]

BILLING CODE 8450-51-M

Federal Energy Regulatory Commission

Availability of NGPA Well Determination Data

July 15, 1980.

Notice is hereby given that information filed on FERC Form 121 is included in notices of determination of maximum lawful price under the Natural Gas Policy Act of 1978 is available from the Energy Information Administration. Persons interested in purchasing magnetic tape copies should remit \$50.00 per tape for all data available. Each request must contain a check for full payment payable to the U.S. Treasury. Requests must also include a blank reel of magnetic tape and magnetic tape copy specifications (tapes may be copied in IBM Mode in 7-track, 556 BPI or in 9-track, 800 or 1600 BPI). Requests must be addressed to:

Energy Information Administration, Office of
ADP Services, Room BG-067, Forrestal
Building, 1000 Independence Avenue, S.E.,
Washington, D.C. 20585. Attention: Tape
Copy Desk.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-21991 Filed 7-22-80; 8:45 am]

BILLING CODE 8450-85-M

[Project No. 3221]

Arthur S. Brown Manufacturing Co. and Surret Storage Battery Co.; Application for Preliminary Permit

July 15, 1980.

Take notice that Arthur S. Brown Manufacturing Company and Surret Storage Battery Company (Applicants) filed on June 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3221 to be known as Cotton Mill Dam Project located on the Winnepesaukee River in Belknap and Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Ralph E. Gibbs, President, Arthur S. Brown Manufacturing Company, P.O. Box 289, Tilton, New Hampshire 03276; and Mr. Clark H. Neill, President, the Surret Storage Battery Company, Inc., P.O. Box 249, Tilton, New Hampshire 03276.

Project Description—The proposed project would consist of: (1) and existing 10-foot high, 120-foot long timber dam; (2) a reservoir having a pool elevation of 441.9 feet m.s.l. with negligible storage capacity; (3) a proposed powerhouse having an installed generating capacity of approximately 285 kW; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 2,000,000 kWh.

Purpose of Project—Project energy would be used by the Applicants for industrial purposes or sold to the local public utility.

Proposed Scope and Cost of studies under Permit—The Applicants seek a preliminary permit for a period of three years, to prepare an environmental assessment, preliminary designs, market studies, and an application for license. The Applicants estimate that the cost of Studies under the permit would be \$20,000.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 17, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 17, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a)

and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before September 17, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth Plumb,
Secretary.

[FR Doc. 80-21992 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA80-1-21 (PGA80-2, IPR80-2, LFUT80-1, TT80-1 & AP80-1)]

**Columbia Gas Transmission Corp.;
Informal Conference**

July 15, 1980.

Notice is hereby given that the informal conference in the above referenced proceeding will be held July 30, 1980, and not July 29, 1980, as previously noticed. All interested persons are invited to attend at 10:00 a.m. at a room to be designated that day at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-21994 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3208]

**Mr. Lewis Evans; Application for
Preliminary Permit**

July 15, 1980.

Take notice that Mr. Lewis Evans (Applicant) filed on June 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16

U.S.C. 791(a)-825(r)] for proposed Project No. 3208 to be known as Hume Lake Water Power Project located at the United States Forest Service's (USFS) Hume Lake Dam on the Ten Mile Creek in Fresno County, California. The project would occupy lands of the United States within the Sequoia National Forest and would utilize a USFS dam and waters released from its reservoir. Correspondence with the Applicant should be directed to: Mr. Lewis Evans, P.O. Box 820, Kings Canyon National Park, California 93633.

Project Description—The proposed project would consist of: A penstock, approximately 7,900 feet long; a powerhouse containing two generating units with a total rated capacity of 1,050 kW; a two-mile long transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's (PG&E) 12-kV powerline south of the powerhouse, and appurtenant facilities.

Purpose of Project—Project energy would be sold to a local utility company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of hydrological, environmental and economic feasibility studies. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with Forest Service and other Federal, State and local agencies; preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be \$24,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in as application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other

formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 18, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 17, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before September 18, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-21995 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-114]

**Inter-City Minnesota Pipelines Ltd.,
Inc.; Application**

July 15, 1980.

Take notice that on June 18, 1980, Inter-City Minnesota Pipelines Ltd., Inc. (Applicant), 1004 Cloquet Avenue, Cloquet, Minnesota 55720, filed in Docket No. RP80-114, an application pursuant to §§ 1.7(b) and 1.13(d) of the Commission's rules of practice and

procedure, a petition for waiver of the requirements of § 154.38(d)(4)(vi)(a) of the Commission's regulations or in the alternative for extension of time in which to file tariff sheets restating rates to establish a new base tariff rate, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant, in support of its petition, states that based on preliminary review, were a filing to be made, it would not seek any increase in its base rates presently in effect. Nor does it anticipate that a refund would be necessary were new tariff sheets to be approved. The filing would primarily incorporate into the base rate, purchased gas costs which have already been reviewed and approved by the Commission. Because of these factors, Applicant states that no customer will be in any way prejudiced by the absence of a filing.

In further support of its petition, Applicant states that, because of the need for coordination and the pressure of ongoing Canadian proceedings, it will be impossible for Applicant and its related companies to complete the very extensive studies and analyses which are required by § 154.38 to accompany the new tariff sheets. Inter-City Gas is deeply involved in ongoing hearings and negotiations in Ottawa, Canada, having to do with the gas supply for both the Canadian and U.S. portions of the pipeline. These are expected to continue, at a minimum, over the next six weeks. Further, Inter-City Gas will be undergoing extensive internal reorganization during the next three months. Accordingly, Applicant, pursuant to § 1.13(d) of the Commission's rules of practice and procedure, requests a ninety (90) day extension of time in which to file under § 154.38 should its petition for waiver not be granted.

Any person desiring to be heard or to make any protests with reference to said application should on or before July 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21906 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-35-M

[Docket No. ER80-510]

Kansas City Power & Light Co.; Filing
July 15, 1980.

The filing Company submits the following:

Take notice that on July 8, 1980, Kansas City Power & Light Company ("KCPL") tendered for filing a Municipal Participation Agreement dated June 1, 1980, between KCPL and the City of Ottawa, Kansas ("City"), to become effective as of June 1, 1980. This Agreement provides for the initial rates and charges for certain wholesale service by KCPL to the City.

In its filing, KCPL states that the rates included in the above-mentioned Municipal Participation Agreement are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21907 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-35-M

[Docket No. ER80-517]

Kansas Gas & Electric Co.; Cancellation

July 15, 1980.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on July 10, 1980 tendered for filing a Notice of Cancellation of Service Schedule B dated June 28, 1980, Supplement to Rate

Schedule FERC No. 101 between Kansas Gas & Electric Company and Western Power Division of Central Telephone & Utilities Corporation. KG&E indicates that this cancellation is to be effective as of August 12, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file petition to intervene. Copies of this application are filed with the Commission and are available for public inspection.

The service schedule is being cancelled and withdrawn from filing because it is no longer required to be used by either utility.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21908 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-35-M

[Dockets Nos. ER77-354 and ER78-14]

Missouri Utilities Co.; Extension of Time

July 14, 1980.

On July 1, 1980, Missouri Cities (Cities) filed a request for an extension of time to file comments in response to a Commission notice of a compliance filing by the Missouri Utilities Company issued June 25, 1980, in the above-docketed proceeding. The motion states that additional time is needed because of Cities' commitments in other Commission proceedings and their involvement in hearings in another docket.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including July 30, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21909 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-35-M

[Docket No. ER80-516]

Montana Power Co.; Compliance Filing

July 15, 1980.

The filing Company submits the following:

Take notice that on July 9, 1980, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during April, 1980, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22000 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-518]

New York State Electric & Gas Corp.; Rate Schedule Change

July 15, 1980.

The filing Company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on July 10, 1980, tendered for filing, pursuant to § 35.13 of the regulations under the Federal Power Act, as a rate schedule, a transmission agreement with the Power Authority of the State of New York (PASNY), dated May 29, 1980. Service under this agreement shall become effective on a date authorized by FERC.

The agreement provides that NYSEG shall provide electric transmission service for delivery of firm and peaking PASNY power and energy to Pennsylvania Electric Company at the Pennsylvania-New York border for ultimate delivery to Allegheny Electric Cooperative, Inc. For service rendered by NYSEG, PASNY has agreed to pay \$1.20 per KW per month for 53,500 KW of transmission capability. The estimated annual NYSEG revenue under said contract is \$770,400. In addition, the rate may be modified by NYSEG not earlier than two years after the effective date and then two years thereafter. The May 29, 1980 agreement will replace an existing transmission agreement

designated FPC 36 which has expired by its own terms.

NYSEG has filed copies of this filing with the Power Authority of the State of New York, Public Service Commission, State of New York and Allegheny Electric Cooperative, Inc.

NYSEG requests that the 60-day filing requirement be waived and that the filing date be allowed as the effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure on or before August 5, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22001 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3218]

City of Orrville, Ohio; Application for Preliminary Permit

July 15, 1980.

Take notice that the City of Orrville, (Applicant) filed on June 18, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)) for proposed Project No. 3218 to be known as Pike Island Hydroelectric Project located on the Ohio River at the U.S. Army Corps of Engineers' Pike Island Locks and Dam in Belmont County, Ohio.

Correspondence with the Applicant should be directed to: Mr. Robert A. Nichols, Director of Utilities, P.O. Box 126, Orrville, Ohio 44667.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Pike Island Locks and Dam on the Ohio River.

The project would consist of: (1) a powerhouse to be located at the west (right) abutment of the existing dam; (2) turbine-generator units installed in the powerhouse with a proposed total rated capacity of 70 MW; (3) an approach channel; (4) a tailrace channel; (5) a training wall or other marine structure which may be necessary to prevent currents or eddies downstream caused

by powerplant discharge; (6) a transformer/switching area; (7) improved recreational facilities; and (8) appurtenant facilities. Applicant estimates the annual generation would average about 275 million kWh.

Purpose of Project—Project energy will be partially utilized in the City of Orrville's municipal electric distribution system with the remainder being sold to other Ohio utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time it would perform surveys and geological investigations, negotiate with the U.S. Army Corps of Engineers for water rights at the project, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$400,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Ohio Edison Company's application filed on November 5, 1979, Project No. 2990, under 18 CFR 4.33 (as amended, 44 FR 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a

competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 22, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-21993 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3031]

Shoshone Irrigation District; Application for Exemption for Small Conduit Hydroelectric Facility

July 15, 1980.

Take notice that on January 16, 1980, Shoshone Irrigation District (Applicant) filed an application under Section 30 of the Federal Power Act (16 U.S.C. 823(a)) for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Garland Canal Power Plant, FERC No. 3031, would be located adjacent to the United States Water and Power Resources Services' Ralston Chute and the District's proposed penstock in Park County near the Town of Ralston, Wyoming. Correspondence with the Applicant should be directed to: Mr. Dean House, President, Board of Commissioners, Shoshone Irrigation District, P.O. Box 822, Powell, Wyoming 82435.

The water to be used by the Garland Canal Project is diverted from the Shoshone River by the Garland Canal and dropped through the Ralston Chute, which delivers water to a major portion of the irrigated lands of the Shoshone

Irrigation District. At the entrance to the Ralston Chute, the proposed intake structures would divert the water through the proposed penstock and powerhouse. After passing through the powerhouse, the water would discharge into a stilling basin and re-enter the Shoshone Irrigation District's water system.

Project Description—The proposed project would consist of: (1) A concrete powerhouse containing one generating unit with a rated capacity of 2,400 kW and a substation adjacent to the powerhouse. The power plant would utilize an effective head of approximately 40 feet; (2) a concrete penstock approximately 2,400 feet long with interior dimensions of 10 feet by 10 feet; (3) a 12.5 kV transmission line which would run along the existing Ralston Chute and an existing road for approximately 6,300 feet; and (4) appurtenant facilities. The Applicant estimates that the project would annually generate 9,754,000 kWh.

Purpose of Project—Project energy would be sold to Tri-State Generation and Transmission Association, Inc. (TG&TA) for use within the TG&TA's electric service area. The cost of the project is estimated by the Applicant to be \$3,623,500.

Agency Comments—The U.S. Fish and Wildlife Service and the Wyoming Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. (A copy of the application may be obtained directly from the Applicant.) No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 29, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22002 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. G-12446, etc.]

Texas Eastern Transmission Corp.; Petition for Declaratory Order

July 15, 1980.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) filed on June 26, 1980, a petition for a declaratory order in the captioned proceeding.

This matter is connected with the settlement of issues involving the sale of Rayne Field leaseholds to Texas Eastern by various Rayne Field producers, including M. H. Marr. By "Order Approving Settlements" issued March 19, 1979, the Commission approved the separate settlements covering issues relating to Texas Eastern and to the Rayne Field producers other than Marr, and also approved a Stipulation and Agreement which was to settle issues relating to the interests of Marr. In its petition Texas Eastern states:

* * * [T]his settlement provided that Texas Eastern would have the right to purchase gas presently producing, discovered and developed on and attributable to certain of Marr's interest in the South Rayne field in southern Louisiana. This Stipulation and Agreement provided further that Texas Eastern's call constituted a covenant running with Marr's interest, binding upon Marr's heirs, successors and assigns, and imposed on Marr an obligation to make any assignment or other transfer of Marr's interest expressly subject to Texas Eastern's call. It was recognized that Marr was then selling his share of gas from the South Rayne field to intrastate buyers under contracts terminating on July 1, 1978 and that Marr would have the right to continue making intrastate sales of such gas until the Approval Date of the Stipulation and Agreement and the commencement of deliveries to Texas Eastern.

Texas Eastern states that in accordance with the settlement, it submitted a contract to Marr attempting

to purchase his South Rayne Field gas, but that Marr stated he had contracted to sell the gas to the Louisiana Intrastate Gas Company (LIG) until November 30, 1980, and refused to enter into a contract with Texas Eastern calling for commencement of deliveries before that time. Texas Eastern further states that it requested LIG to relinquish any claim it might have to the gas, but that LIG refused to do so prior to termination of its contract with Marr on November 30, 1980. Texas Eastern now requests a declaratory order from the Commission finding that the Rayne Field settlement requires Marr and to the extent necessary, LIG, to take whatever actions are necessary to permit deliveries of gas to Texas Eastern to commence as soon as the contract between Texas Eastern and Marr has been executed.

On July 7, 1980, the Public Service Commission of the State of New York filed a response herein in support of Texas Eastern's petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22003 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket GP80-107]

Texas Railroad Commission; Request for Withdrawal

July 15, 1980.

Take notice that on May 7, 1980, Hanley Petroleum Inc. (successor to Hanley Company) (Hanley) filed a request with the Commission to withdraw Hanley's application for section 103 well category determinations under the Natural Gas Policy Act of 1978 for the T.X.L. "D" (07267), Well No. 1 and the T.X.L. "C" (07266), Well No. 1, Docket No. F-7C-001698.

Prior to the date Hanley made such request, the determinations for the subject wells became final by operation of § 275.202 of the Commission regulations. The application does not state a reason for the requested withdrawal.

Any person desiring to be heard or to make a protest to such request should on or before August 5, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22004 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP77-108]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

July 15, 1980.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on July 9, 1980 tendered for filing certain revised tariff sheets to be effective June 1, 1980 and July 1, 1980.

Transco states that the tariff sheets to be effective June 1, 1980 contain a reduction of 0.5 cents per dt in the commodity or delivery charge of Transco's sales and firm transportation rate schedules to reflect the elimination of the rate effect of expenditures made by Transco on the unsuccessful gas supply projects covered by Article V, Paragraph 1 of the "Agreement as to Rates of Transcontinental Gas Pipe Line Corporation" in Docket No. RP77-108. Such reduction is required by virtue of the action of the U.S. Supreme Court on June 16, 1980 in denying Transco's petition for a writ of certiorari to review the decision of the U.S. Court of Appeals for the D.C. Circuit which affirmed Commission Opinion No. 801.

Transco further states that tariff sheets to be effective July 1, 1980 reflect the same 0.5¢ per dt decrease in the advance payment tracking rate decrease filed May 16, 1980 as revised by filing of May 28, 1980 in Docket No. RP77-108 to be effective on July 1, 1980.

Transco requests any waivers of the Commission's regulations which may be necessary in order that the tariff sheets filed herewith may be made effective as proposed.

The Company states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions and other interested parties.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before July 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22005 Filed 7-22-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF80-13]

Windfarms, Ltd.; Application for Commission Certification of Qualifying Status of Small Power Production Facilities and Request for Waiver

July 14, 1980.

On July 11, 1980, Windfarms, Ltd. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of facilities as qualifying small power production facilities pursuant to § 292.207 of the Commission's rules.

The facilities will be located at Kahuku Point on the Island of Oahu, Hawaii. Windfarms, Ltd. states that depending on the machine size ultimately selected for the Kahuku Point site (Applicant's three vendor candidates propose machines of approximately 0.6 megawatts, 2.5 megawatts and 3.5 megawatts respectively), it will install 120, 32 or 22 wind turbine generators at the Kahuku Point. Windfarms, Ltd. further states that the facility will not use any natural gas, coal or oil as fuel and that the primary energy source to be used by each facility is wind power.

Section 210(e)(2) of PURPA requires the aggregate power production capacity

of a qualifying small power production facility to be not greater than 30 megawatts in order to qualify for any of the exemptions included in section 210(e)(1). While the aggregate of Applicant's power production capacity will not be greater than 80 megawatts at the same site for purposes of certification as a qualifying small power production facility, if the Commission applies the one-mile rule to the 30-megawatt calculation for purposes of the exemptions provided in Commission regulations §§ 292.601 and 292.602, the aggregate may exceed 30 megawatts. The Applicant therefore requests the Commission to certify each of its facilities to qualify for the section 210(e)(1) exemptions.

Alternatively, applicant states that since no individual facility will be greater than 30 megawatts, the Commission should waive application of the one-mile rule to its facilities for purposes of the 30-megawatt calculation in §§ 292.601(a)(2) and 292.602(a), to permit efficient and effective development of small wind power facilities as an energy resource.

Applicant states that it has a limited time in which to obtain the necessary financing for construction of the wind power facilities, and that it is vital to have the Commission rule on the application on an expedited basis. Applicant therefore requests the Commission to limit the time for intervention or protest to 10 days after the date of publication of notice in the Federal Register.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed within 10 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22065 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed

Notice is hereby given that on April 22, 1980, the Notice of Objection to Proposed Remedial Order listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before August 12, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7928, February 7, 1979). On or before August 22, 1980, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as nonparticipants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
July 18, 1980.

Keystone Oil Company, Wilmington, Del.,
BRO-1186, No. 2 Heating Oil; Kerosene

On April 22, 1980, Keystone Fuel Oil Company, 25 South Heald Street, Wilmington, Delaware 19801 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on March 31, 1980.

In the PRO the Northeast District found that during August 19, 1979 through June 30, 1975, Keystone violated the provisions of 10 CFR § 212.93 and 6 CFR § 150.239 by charging prices in excess of its maximum lawful selling prices for No. 2 fuel oil and kerosene.

According to the PRO the Keystone violation resulted in \$2,950,026 of overcharges.

[FR Doc 80-22065 Filed 7-22-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1546-8]

California State Motorcycle Fuel Tank Fill Pipe and Opening Specifications; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Revision of prior public hearing notice.

SUMMARY: EPA already has announced that it has scheduled a public hearing to reconsider a previous waiver decision insofar as it permitted California to enforce its own fuel tank fill pipe and opening specification requirements for motorcycles. At that hearing, EPA will evaluate these requirements as interpreted by a newly revised California executive order.

DATES: Hearing on July 24 and, if necessary, July 25, 1980, beginning at 8 a.m.

ADDRESSES: EPA will hold the public hearing at: U.S. Environmental Protection Agency Regional Office (Region IX), Nevada Room, Sixth Floor, 215 Fremont Street, San Francisco, California. Copies of all materials relevant to the hearing are available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Glenn Unterberger, Chief, Waivers Section, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: In a waiver decision of January 7, 1977, the Administrator of EPA granted California a waiver of Federal preemption to enforce its own specifications for fill pipes and openings of motor vehicle fuel tanks, including motorcycles. The Administrator based this decision in part on a finding that specific technology would be available to the motorcycle industry to comply with California's specifications by the time those requirements took effect.

On March 14, 1980, the California Air Resources Board (CARB) issued an executive order interpreting these specifications.¹ Under the order's interpretation of the specifications, the technology which the Administrator earlier had determined would be available to comply with the specifications might no longer meet those requirements. The information in the record on waiver proceedings relating to these specifications is not sufficient to enable EPA to evaluate whether other technology is available to permit manufacturers to comply. As a result, EPA has announced a public hearing in a Federal Register notice of

¹ State of California Air Resources Board Executive Order G-70-16-D Relating to the Establishment of a Schedule of Compliance with Air Resources Board's "Specifications for Fill Pipe Openings of Motor Vehicle Fuel Tanks" for 1979 and Subsequent Model-Year Motorcycles.

July 3, 1980² to review, among other issues, the prior waiver decision as it applies to motorcycles.

In a letter of July 3, 1980, EPA received notice from CARB that it had made a minor revision to its Motorcycle Fill Pipe Executive Order G-70-16-D for the purpose of making the fill pipe compliance schedule consistent with a related program for motorcycle evaporative emission control systems. The revised Executive Order G-70-16-E gives manufacturers an additional year to comply with the fill pipe specifications for "Class III" motorcycles. Both executive orders are appended to this notice and will become part of the record which EPA will examine at the July 24 hearing in reconsidering the January 7, 1977 waiver decision.

Dated: July 17, 1980.

Jeffery G. Miller,
Acting Assistant Administrator for
Enforcement.

Attachment I—State of California, Air
Resources Board (Executive Order G-70-16-
D)

*Relating to the Establishment of a Schedule
of Compliance With the Air Resources
Board's "Specifications for Fill Pipes and
Openings of Motor Vehicle Fuel Tanks" for
1979 and Subsequent Model-Year
Motorcycles*

Pursuant to the authority vested in the Air
Resources Board by Health and Safety Code
Section 43835; and

Pursuant to the authority vested in the
undersigned by Health and Safety Code
Sections 39515 and 39516 and by Title 13
California Administrative Code 2290;

It is ordered and resolved: That the
exemption currently in effect for motorcycles
from the Board's "Specifications for Fill Pipes
and Openings of Motor Vehicle Fuel Tanks"
(Title 13 California Administrative Code,
Section 2290; hereinafter referred to as the
Specifications) shall terminate on January 1,
1983 when all new motorcycle designs
introduced for sale in California, and for all
other new motorcycles introduced for sale in
California, excluding those classes of
motorcycles exempted from the
Specifications by this Executive Order, shall
fully comply with the specifications.

It is further ordered and resolved: That the
following classes of motorcycles are exempt
from the Specifications:

(1) All 1979 to 1982 model-year
motorcycles;

(2) All 1983 and subsequent model-year
motorcycles with fuel tank designs which
remain substantially unchanged from their
1982 designs;

(3) Motorcycle models which are not
registered with the Department of Motor
Vehicles for street use;

(4) Motorcycle models with engines
displacing less than 50 cubic centimeters;

(5) Motorcycle models with a top speed of
40 kilometers per hour and an engine which,
on its own power, cannot start from stop
when loaded with an 80 kilogram (176 pound)
driver.

(6) Motorcycles equipped with evaporative
emission control systems certified at 0.2 gm/
test, or more, below the applicable
evaporative emission standard.

It is further ordered and resolved: That the
Executive Officer may issue exemptions for
specific motorcycle models upon
demonstration by the manufacturer that
through the use of alternative means, such
models will achieve substantially the same
degree of vapor control as is required by the
Specifications. The criteria for evaluation of
alternative designs shall be:

(1) The alternative system shall allow the
service station vapor recovery system to
provide vapor recovery performance as
efficient as its certification value as
determined using the Board's Test Procedures
for determining the Efficiency of Gasoline
Vapor Recovery Systems at Service Stations
(Title 17 California Administrative Code
Section 94001), or, if any onboard recovery
system is used, no less than 90 percent (by
weight) of the vapors which would be
displaced during refueling an uncontrolled
motorcycle shall be contained;

(2) The fuel tank shall be capable of being
filled to its rated capacity when the vapor
recovery system is operated in its design
mode;

(3) The alternative means of recovery shall
not encourage or readily allow the consumer
to intentionally defeat the vapor recovery
system; and

(4) The manufacturer's normal standard for
safety, reliability, and customer acceptance
shall be observed.

It is further ordered and resolved: That
"full compliance" with the Specifications
shall include the requirement that the fuel
tank is capable of being filled with the
service station nozzle in the "normal resting
position".

It is further ordered and resolved: That the
Executive Order hereby determines that the
requirements adopted above are individually,
and in the aggregate, at least as protective of
public health and welfare as applicable
federal regulations.

Executive Order G-70-16, dated March 16,
1978, is hereby rescinded.

Executed at Sacramento, California, this
14th day of March, 1980.

Gary Rubenstein,
Acting Executive Officer.

Attachment II—State of California, Air
Resources Board (Executive Order G-70-
16-E)

*Relating to the Establishment of a Schedule
of Compliance With the Air Resources
Board's "Specifications for Fill Pipes and
Openings of Motor Vehicle Fuel Tanks" for
1983 and Subsequent Model-Year
Motorcycles*

Pursuant to the authority vested in the Air
Resources Board by Health and Safety Code
Section 43835; and

Pursuant to the authority vested in the
undersigned by Health and Safety Code

Sections 39515 and 39516 and by Title 13
California Administrative Code 2290;

It is ordered and resolved: That the
exemption currently in effect for motorcycles
from the Board's "Specifications for Fill Pipes
and Openings of Motor Vehicle Fuel Tanks"
(Title 13 California Administrative Code,
Section 2290; hereinafter referred to as the
Specifications) shall terminate on January 1,
1983 for class I and II motorcycles and on
January 1, 1984 for class III motorcycles when
all new motorcycle designs introduced for
sale in California, and all other new
motorcycles introduced for sale in California,
shall fully comply with the specifications.

It is further ordered and resolved: That the
following classes of motorcycles are exempt
from the Specifications:

(1) All 1979 to 1982 model-year
motorcycles;

(2) All Class III 1983 model-year
motorcycles;

(3) All 1983 and subsequent model-year
motorcycles with fuel tank designs which
remain unchanged from their 1982 designs;

(4) Motorcycle models which are not
registered with the Department of Motor
Vehicles for street use;

(5) Motorcycle models with engines
displacing less than 50 cubic centimeters;

(6) Motorcycle models with a top speed of
less than 40 kilometers per hour and an
engine which, on its own power cannot start
from stop when loaded with an 80 kilogram
(176 pound) driver.

(7) Motorcycles equipped with evaporative
emission control systems certified at 0.2 gm/
test, or more, below the applicable
evaporative emission standard.

It is further ordered and resolved: That the
Executive Officer may issue exemptions for
specific motorcycle models upon
demonstration by the manufacturer that
through the use of alternative means, such
models will achieve substantially the same
degree of vapor control as is required by the
Specifications. The criteria for evaluation of
alternative designs shall be:

(1) The alternative system shall allow the
service station vapor recovery system to
provide vapor recovery performance as
efficient as its certification value as
determined using the Board's Test Procedures
for determining the Efficiency of Gasoline
Vapor Recovery Systems at Service Stations
(Title 17 California Administrative Code
Section 94001), or, if any onboard recovery
system is used, no less than 90 percent (by
weight) of the vapors which would be
displaced during refueling an uncontrolled
motorcycle shall be contained;

(2) The fuel tank shall be capable of being
filled to its rated capacity when the vapor
recovery system is operated in its design
mode;

(3) The alternative means of recovery shall
not encourage or readily allow the consumer
to intentionally defeat the vapor recovery
system; and

(4) The manufacturer's normal standard for
safety, reliability, and customer acceptance
shall be observed.

It is further ordered and resolved: That
"full compliance" with the Specifications
shall include the requirement that the fuel
tank is capable of being filled with the

² 45 FR 45356 (July 3, 1980).

service station nozzle in the "normal resting position".

It is further ordered and resolved: That the Executive Officer hereby determines that the requirements adopted above are individually, and in the aggregate, at least as protective of public health and welfare as applicable federal regulations.

Executive Order G-70-16-D, dated March 14, 1980, is hereby rescinded.

Executed at Sacramento, California, this 3rd day of July, 1980.

Gary Rubenstein,

Acting Executive Officer.

[FR Doc. 80-22052 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1547-3]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of November 1, 1979 and November 30, 1979.

Appendix I contains a listing of draft environmental impact statements

reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impacts statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations,

legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755-2808.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 16, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I.—Draft Environmental Impact Statements For Which Comments Were Issued Between Nov. 1, and Nov. 30, 1979

Identifying No.	Title	General Nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
DS-COE-E32022-NC	Manteo (Shallowbag) Bay, Dare County, North Carolina	ER2	E
D-COE-E35057-FL	Marco Island Vicinity Wetlands Development, Deltona Corporation, Palm, Florida	EU1	E
D-COE-G32034-TX	Trinity River Water Resources Improvement Project, Dallas, Texas	ER2	G
D-COE-J36017-CO	Fountain Creek Flood Control, Pueblo County, Colorado	LO2	I
DEPARTMENT OF AGRICULTURE			
D-AFS-K61034-00	Lake Tahoe Basin Land Management Plan, Part 2, California and Nevada	LO2	J
D-AFS-L65049-00	10-Year Timber Resources Plan, Umatilla National Forest, Asotin, Columbia, Garfield, and Walla Walla Counties, Washington and Baker, Grant, Morrow, Umatilla, Union, Wallowa, and Wheeler Counties Oregon	LO2	K
D-AFS-L65051-00	10-Year Timber Resource Management Plan, Siskiyou National Forest, Oregon and California	LO2	K
D-AFS-L65052-WA	Mount Baker, Snoqualmie National Forest, 10-year Timber Resource Management Plan, King, Pierce, Skagit, Snohomish, and Whatcom Counties, Washington	ER2	K
D-SCS-D36031-00	Wheeling Creek Watershed, Greene and Washington Counties, Pennsylvania and Ohio and Marshall Counties, West Virginia	3	D
D-SCS-H36037-NB	Swan Creek Watershed Project, Saline and Jefferson Counties, Nebraska (USDA-CSC-EIS-WS(ADM)-79-1-D-NE)	ER2	H
D-SCS-J36016-WY	Laramie Rivers Conservation District, Upper North Laramie River, Toltic Watershed Improvement, Wyoming	ER2	I
D-SCS-K36033-CA	Legas Creek Watershed, Flood Prevention, Santa Clara County, California	ER2	J
DEPARTMENT OF COMMERCE			
DS-NOA-B91014-00	Atlantic Groundfish Fishery, Fishery Management Plan (DS-4)	LO1	B
D-NOA-G38003-LA	Louisiana Coastal Resources Program, CZM	ER2	G

Appendix I.—Draft Environmental Impact Statements For Which Comments Were Issued Between Nov. 1, and Nov. 30, 1979 —Continued

Identifying No.	Title	General Nature of comments	Source for copies of comments
Department of Defense			
D-USA-B11006-MA	Fort Devens Ongoing Mission Activities, Fort Devens, Middlesex and Worcester Counties, Massachusetts.	LO2	B
D-USA-E11008-GA	Fort McPherson and Subinstallations, Continuation, Georgia	LO2	E
D-USA-E11009-KY	Fort Campbell Ongoing Mission, 101st Airborne Division, Kentucky	LO2	E
D-USA-F11005-WI	Fort McCoy Ongoing Mission, Sparta, Monroe County, Wisconsin	LO2	F
DEPARTMENT OF THE INTERIOR			
D-BLM-A02150-AK	Proposed Outer Continental Shelf (OCS) Oil and Gas Lease Sale #55, Eastern Gulf of Alaska	ER2	A
D-BLM-A02151-00	Proposed 1980 Outer Continental Shelf (OCS) Oil and Gas Lease Sales A62 and 62 Gulf of Mexico.	LO2	A
D-NPS-E61029-TN	Stones River National Battlefield and Cemetery, General Management Plan, Rutherford County, Tennessee.	LO1	E
DEPARTMENT OF TRANSPORTATION			
D-FHW-C40043-NY	Nassau Expressway, Cross Bay Boulevard, Atlantic Beach Bridge, Queens and Nassau Counties, New York.	ER2	C
D-FHW-D40073-MD	I-95, Fort McHenry Tunnel, Baltimore, Maryland	ER2	D
D-FHW-E40179-TN	Franklin Bypass, TN-6 to TN-106, Williamson County, Tennessee	LO2	E
D-FHW-E40180-TN	TN-61, Hillcrest Street to Clinch River, Clinchton, Anderson County, Tennessee	LO2	E
D-FHW-E40181-MS	I-59/US 84, Laurel Bypass, Jones County, Mississippi	LO2	E
D-FHW-F40141-IN	Tenth Street/Taylor Road Extension, Columbus, Bartholomew County, Indiana	LO2	F
D-FHW-G40074-TX	I-10 and I-35, San Antonio, Bexar County, Texas	LO1	G
D-FHW-G40077-OK	U.S. 69 Improvement, Atoka to McAlester, Atoka and Pittsburg Counties, Oklahoma	LO2	G
DS-FHW-K40002-CA	CA-118, Simi Valley and San Fernando Valley Freeway, Los Angeles, California	ER2	J
DELAWARE RIVER BASIN COMMISSION			
D-DRB-D39005-00	Delaware River Basin Study, Level B, New Jersey, New York, Delaware and Pennsylvania	LO2	D
GENERAL SERVICES ADMINISTRATION			
D-GSA-E8J018-AL	Acquisition and Renovation of Union Station, Rehabilitation, Montgomery County, Alabama	LO2	E
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C38002-NJ	Budd Lake to Netcong, Mount Olive Storm Sewer Project, New Jersey	ER2	C
D-HUD-L85014-WA	Clark County Areawide Approach EIS, Washington	LO1	K
NUCLEAR REGULATORY COMMISSION			
D-NRC-A01055-00	Generic Uranium Milling (NUREG-0511)	ER2	A

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the

environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the

environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between Nov. 1, and Nov. 30, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers			
F-COE-D85001-MD	Sparrows Point Plant, Slag Filling, Bethlehem Steel, Baltimore County, Maryland.	EPA has environmental reservations concerning the proposed project. Specifically, EPA's evaluation has concluded the proposal has the potential for creating environmentally unacceptable water quality impacts and the FEIS inadequately addresses alternatives relating to upland disposal sites. Furthermore, EPA believes the proposed action is inconsistent with section 230.5(d) of the guidelines for the discharge of dredged or fill materials. EPA considers the proposal to be environmentally unsatisfactory and therefore a candidate for referral to CEO, however, EPA's decision on this referral will be deferred until the COE decision on the permit.	D
F-COE-E34013-00	Pumped Storage, Richard B. Russell Dam and Lake, Elbert and Hart Counties, Georgia and Abbeville and Anderson Counties, South Carolina.	EPA's concerns were adequately addressed in the final EIS.	E
F-COE-F32035-MI	Great Lakes and St. Lawrence Seaway, Navigation Season Extension Study, Michigan.	EPA has environmental reservation regarding the impact of the project as proposed in the final EIS. EPA believes that the proposed environmental baseline studies need to be conducted without extended navigation into the winter months.	F
DEPARTMENT OF AGRICULTURE			
F-AFS-L61122-00	Sullivan-Salmo Planning Unit, Land Management Plan, Colville National Forest, Pen Orells County, Washington and Boundary County, Idaho.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested the forest service to make available to the public the site specific environmental analysis so as to permit reviewers an opportunity to assess whether the stated environmental objectives of the final EIS will be reached.	K
DEPARTMENT OF DEFENSE			
F-USN-K11013-CA	New Naval Medical Center, San Diego, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF ENERGY			
FS-BPA-L08034-00	Southeast Oregon Area Service, Facility Planning 1979, Oregon.	EPA's concerns were adequately addressed in the final supplement.	K
DEPARTMENT OF THE INTERIOR			
F-BLM-J07010-00	Intermountain Power Project, Salt Wash Site, Utah, Arizona, Nevada, and California.	EPA reiterated its concerns that the salt wash alternative would be environmentally unsatisfactory from the standpoint of air quality degradation. Subsequently, since the USDI has not selected a preferred alternative EPA deferred its referral of the proposal to CEO under section 308 of the Clean Air Act until USDI reaches a decision.	A
F-BLM-J99014-CO	Grand Junction Resource Area, Grazing Management Plan, Mesa, Garfield, and Montrose Counties, Colorado.	EPA did not have an opportunity to review the draft EIS. EPA suggested the BLM work closely with the local 208 agency to implement best management practices to lessen the erosion impacts on the proposal especially in view of the saline nature of the areas soils.	I
F-BLM-K65031-AZ	Livestock Grazing Program, Vermilion Resource Area, Coconino and Mohave Counties, Arizona.	EPA's concerns were adequately addressed in the final EIS.	J
F-BLM-K65032-NV	Caliente Area Domestic Livestock Grazing Management, Nevada.	EPA's concerns were adequately addressed in the final EIS.	J
F-NPS-C61003-00	Gateway National Recreation Area, New York and New Jersey.	Generally, EPA's concerns were adequately addressed in the final EIS provided the public transportation commitments discussed in the final EIS are implemented. If not, the proposal will have an unacceptable air quality impact. EPA also recommended a long-range management plan be considered to address the continual erosion of this beach and others in the gateway.	C
DEPARTMENT OF TRANSPORTATION			
F-FAA-K51009-TT	Babelthaup-Koror Airport Improvements, Pacific Islands, Trust Territories.	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-D40038-VA	VA-76, Powhite Parkway Extension, Chesterfield County, Virginia.	EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned about the water quality impacts of the fill into the shrub swamp area and the channelization of Powhite creek. EPA emphasized the need and the benefits of inter-agency coordination.	D
F-FHW-E40139-AL	U.S. 278 Relocation, Gadsden to Piedmont, Calhoun and Etowah Counties, Alabama.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-E40159-FL	FL-597 to FL-685, Fletcher Avenue Construction, Hillsborough County, Florida.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-F40069-IN	Southeast Bypass, I-69 to U.S. 30, Fort Wayne, Allen County, Indiana.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F40112-WI	Taylor Drive, CTH "TA" to WI-42, Sheboygan County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F53009-WI	Railroad Relocation, Oshkosh, Winnebago County, Wisconsin.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA believes there is a degree of uncertainty in the EIS regarding the noise level reduction which will be achieved through mitigation. EPA suggested a contingency plan be developed if it becomes necessary to relocate homes.	F
FS-FHW-G40076-NM	U.S. 550, Shiprock to Fruitland, San Juan County, New Mexico.	EPA's concerns were adequately addressed in the final supplement.	G
F-FHW-J40030-UT	Utah Valley to Heber Valley, UT-52 and U.S. 189, Utah and Wasatch Counties, Utah.	EPA's concerns were adequately addressed in the final EIS.	I

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between Nov. 1, and Nov. 30, 1979—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
GENERAL SERVICES ADMINISTRATION			
F-GSA-G81010-TX.....	Federal Office Building and Parking Facility, El Paso County, Texas.	EPA's concerns were adequately addressed in the final EIS.....	G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-F85044-IL.....	Spring Valley, Village of Carol Stream, Du Page County, Illinois (HUD-R05-EIS-78-13(F)).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested that the gravel pit noise impacts be addressed for a more complete understanding of the impacts on the environment of the homes to be built.	F
FS-HUD-J85014-CO.....	Tollgate Village, Aurora Highlands, Willow Park, Summer Valley Ranch and Smoky Hill 400 Development, Water Supply Aurora, Arapahoe County, Colorado.	EPA's concerns were adequately addressed in the final EIS. EPA supports HUD's decision not to participate with the Smoky Hills 400 unless and until the developer demonstrates that adequate water will be available for the total proposed development.	I
F-HUD-J85018-CO.....	Denver Metropolitan Area-wide, Housing Projects, Colorado.	EPA commends HUD for undertaking the effort of the area-wide EIS. However, EPA reiterated its concerns that HUD's environmental guidelines should be strengthened to include specific language with regard to air and water quality.	I
DEPARTMENT OF JUSTICE			
F-JUS-K81008-AZ.....	Federal Detention Center, Tucson, Arizona.....	EPA's concerns were adequately addressed in the final EIS.....	J

Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Nov. 1 and Nov. 30, 1979

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-B35007-ME.....	Port Harbor, Maintenance Dredging, Portland, Maine.....	D
DEPARTMENT OF ENERGY		
F-DOE-B07005-MA.....	Brayton Point Generating Station Plants 1, 2, and 3, Coal Conversion, Somerset, Bristol County, Massachusetts (DOE/EIS-0036-F).....	D
DEPARTMENT OF THE INTERIOR		
F-NPS-J61030-CO.....	Gunnison River, Wild and Scenic River Study, Montrose County, Colorado.....	I
DEPARTMENT OF TRANSPORTATION		
F-FHW-E40167-KY.....	U.S. 23, Louisa Bypass Relocation, Lawrence County, Kentucky.....	E
F-FHW-L40069-ID.....	ID-3, St. Maries to Harrison Junction, Benewah and Kootenai Counties, Idaho (FHWA-IDA-EIS-78-01-F).....	K
F-FHW-L40073-WA.....	Forest Highway 32, WA-20, North Cascades Highway, Bacon Creek to East Boundary, Ross Lake National Recreation Area, Washington.	K
F-FHW-L40077-OR.....	Southwest 89th Avenue, 1-5, Nyberg Road Bypass, Tualatin, Washington County, Oregon.....	K

Appendix V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Nov. 1 and Nov. 30, 1979

Identifying No.	Title	General Nature of Comments	Source for copies of comments
CORPS OF ENGINEERS			
A-COE-D39003-00.....	Metropolitan Wheeling Urban Study, West Virginia and Ohio.	EPA appreciated the opportunity to review the urban study and believes a greater understanding of the area has resulted.	D
DEPARTMENT OF AGRICULTURE			
R-SCS-A38447-00.....	7 CFR Part 624, Emergency Watershed Protection (44 FR 54073).	EPA feels that the proposed rule represents a significant step forward in the implementation of the emergency watershed protection program and that it will provide a sound basis for the consideration of environmental impacts relevant to emergency watershed protection activities. EPA recommends that greater emphasis be placed on the role of the appropriate State water quality planning agency in order to identify water quality best management practices in early stages of a funding proposal as in the later stages of detailed planning and implementation.	A
DEPARTMENT OF COMMERCE			
A-NOA-A90046-GA.....	Gray's Reef Marine Sanctuary, Issue Paper, Georgia.	EPA believes the issue paper presents a good evaluation of the distinctive valuable resources of gray's reef and encouraged NOA to pursue the sanctuary designation.	A

Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Nov. 1 and Nov. 30, 1979—Continued

Identifying No.	Title		Source of review
DEPARTMENT OF THE INTERIOR			
A-BIA-A86156-00.....	Floodplain Management and Wetlands Protection procedures, BIA procedures for the Consideration of Floodplains and Wetlands in Decisionmaking.	EPA suggested the procedures consider wetlands with equal importance throughout the text and clear reference be made to the application, in some cases, for a 404 permit prior to actual decision implementation.	A
DEPARTMENT OF TRANSPORTATION			
R-CGD-A86158-00.....	National Environmental Policy Act Implementing Procedures, USCG Supplement (44 FR 58306).	EPA suggests that an insertion of a brief explanation or specific reference to the requirements of 40 CFR part 150 be added to strengthen the proposed rule and remove possible ambiguities as to the relationship of the EIS and the assessment.	A
R-DOT-A86157-00.....	23 CFR Part 711, 49 CFR Part 622, Environmental Impact and Related Procedures (FHWA/UMTA) (44 FR 59436).	EPA commended FHWA and UMTA on their coordinated and integrated environmental procedures implementing the CEQ regulations. EPA made several suggestions concerning the analysis and consideration of substantive environmental issues including water and noise impacts, soil conservation, cumulative and indirect impacts, and alternatives. EPA's major suggestion was that the proposed scoping and review procedures include a more interdisciplinary as well as interagency approach to transportation planning and design as early on in the project development process as possible. EPA made several other minor procedural suggestions concerning EA exclusions, information dissemination and public notification and review.	A

Appendix VI—Source for Copies of EPA Comments

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106
- E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, GA 30308
- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604
- G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270
- H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108
- I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203
- J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108
- Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-22049 Filed 7-22-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1546-7]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 1, 1979 and October 31, 1979.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements

reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 16, 1980.
William N. Hedeman, Jr.,
Director, Office of Environmental Review.

Appendix I.—Draft Environmental Impact Statements for Which Comments were Issued Between Oct. 1 and Oct. 31, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
DS-COE-A36428-WA	Grays Harbor, Chehalis River Navigation Project, Operation and Maintenance, Washington	ER2	K
D-COE-C32011-NY	Ogdensburg Harbor Commercial Navigation Improvement, New York	LO1	C
D-COE-F32065-WI	Small Boat Harbor, Recreational Boat Harbor, Sheboygan Harbor, Sheboygan, Sheboygan County, Wisconsin	ER2	F
D-COE-G34033-LA	Four Projects in Mermentau Basin, Operation and Maintenance, Southwestern Louisiana	ER2	G
D-COE-G34035-TX	Wallisville Lake Project, Trinity River, Chambers and Liberty Counties, Texas	ER2	G
D-COE-H35002-MO	Springfield Municipal Water Intake, Permit, Springfield, Greene County, Missouri	ER2	H
D-COE-K35015-CA	Novato Center Regulatory Permit Application, Marin County, California	ER2	J
D-COE-K36034-TT	Susupe-Chalan Kanoo Flood, Control Study, Saipan, Northern Marianas, Trust Territory	ER2	J
D-COE-L36065-AK	Homer Small Boat Harbor Expansion, Navigation Improvements, Alaska	ER2	K
DEPARTMENT OF AGRICULTURE			
D-AFS-J65088-MT	Bull River to Clark Fork Planning Unit, Kootenai National Forest, Bonner, Lincoln and Sanders Counties, Montana	LO1	I
D-AFS-J99012-ND	Sheyenne National Grassland, Land Management Plan, Custer National Forest, Richland and Ransom Counties, North Dakota	ER2	I
D-AFS-L65053-OR	Crooked River National Grassland, Land Management Plan, Jefferson County, Oregon	LO2	K
D-SCS-K36032-DE	Pepper Creek Land Drainage and Flood Prevention Measure Plan, Sussex County, Delaware	ER2	D
D-SCS-E36061-NC	Limestone and Muddy Creek Watershed, Duplin County, North Carolina	LO2	E
DEPARTMENT OF COMMERCE			
DS-NOA-B91004-00	Amendment 1 to Atlantic Mackerel Fishery Management Plan of August 1979	LO1	D
DS-NOA-B91008-00	Amendment 1 to Atlantic Squid Fishery Management Plan of August 1979	LO1	D
DEPARTMENT OF DEFENSE			
D-UAF-G88002-NM	Valentine Military Operations Area, Holloman Air Force Base, New Mexico	LO2	G
D-USA-G11005-OK	Fort Sill Ongoing Mission, Fort Sill, Comanche County, Oklahoma	ER2	G
D-USA-H11000-MO	Fort Leonard Wood Ongoing Mission, Fort Leonard Wood, Pulaski and Texas Counties, Missouri	3	H
D-USA-H11001-KS	Fort Leavenworth Ongoing Mission, Leavenworth County, Kansas	LO1	H
D-USA-L11001-WA	Fort Lewis and Yakima Military Installation, Master Plan, to Improve and Upgrade the Firing Center, Pierce and Thurston Counties, Washington	LO2	K
D-USA-L11002-AK	Fort Greely Land Withdrawal, 172d Infantry Brigade, Alaska	LO1	K
D-USA-L11003-AK	Fort Richardson Land Withdrawal, 172d Infantry Brigade, Alaska	LO1	K
D-USA-L11004-AK	Fort Wainwright Utilization for 172d Infantry Brigade, Fort Wainwright, Alaska	LO1	K
D-USN-B11005-ME	Land Acquisition or Interest, Establishment of Clear Zone, Naval Air Station, Brunswick, Cumberland County, Maine	LO1	B
DEPARTMENT OF THE INTERIOR			
D-BLM-A02149-00	Proposed 5-Year OCS Oil and Gas Lease Schedule (March 1980 to February 1985)	ER2	A
D-BLM-J01027-CO	Superior Oil Company, Land Exchange, Oil Shale Resource Development, Rio Blanco County, Colorado	ER2	I
DS-IBR-A31038-CA	San Luis Unit, Central Valley Project, California	ER2	J
D-IBR-J35004-UT	Upalco Unit Irrigation, Lake Fork River, Ashley National Forest, Utah	ER2	I
D-IBR-J35005-00	Animas Laplata Water Supply Project, Colorado and New Mexico	ER2	I
D-IBR-J35006-SD	Pick-Sloan Missouri Basin Program, Reservoir Construction, James Diversion, Sioux Falls Unit, South Dakota	ER2	I
DEPARTMENT OF TRANSPORTATION			
DS-CGD-D50002-00	Calhoun Street Bridge Across the Delaware River, Trenton, New Jersey to Morrisville, Pennsylvania	LO2	D
D-FAA-J52000-WY	Frontier Airlines, Boeing 737 Service, Amendment, Jackson Hole Airport, Wyoming	EU3	I
D-FAA-K51020-CA	Los Angeles International Airport, Development, Los Angeles County, California	ER2	J
D-FHW-B40039-MA	U.S. 44, MA-58 to MA-3, Improvement, Carver, Kingston, Plymouth, Plympton, Plymouth County, Massachusetts (FHWA-MA-EIS-78-03-D)	ER3	B
D-FHW-C40042-PR	Lomas Verdes Avenue, PR-174 to PR-176, Municipalities of San Juan, Bayamon and Guaynabo, Puerto Rico	ER2	C
D-FHW-F40134-IL	I-270, Construction, I-55/70 West of Collinsville, I-270/870 West of Glen Carbon, Madison County, Illinois	ER2	F
D-FHW-F40136-IN	Mayhew-Maplecrest Corridor, IN-37 to I-69, Allen County, Indiana	LO1	F
D-FHW-F40137-MI	U.S.-12, Reconstruction of Michigan Avenue, City of Dearborn, Wayne County, Michigan	LO2	F
D-FHW-F40138-IN	IN-66 Improvement, 4th Avenue to Proposed I-164, Vanderburgh-Warrick County Line, Evansville, Vanderburgh County, Indiana	LO2	F
D-FHW-F40139-OH	OH-8, Relocation, Hudson Drive to OH-303, Summit County, Ohio	ER2	F
D-FHW-G40073-OK	Osage Expressway, Tulsa North to Skiatook, Tulsa and Osage Counties, Oklahoma	LO2	G
D-FHW-G40075-OK	I-33 Improvements, U.S. 69 to OK-33, Mayes and Delaware Counties, Oklahoma	LO1	G
DS-FHW-H40009-IA	IA-520, IA-17 to U.S. 20, Webster and Hamilton Counties, Iowa (FHWA-IOWA-EIS-74-12-DS)	LO2	H
D-FHW-H40089-IA	IA-163 Improvement, Pella, Marion and Mahaska Counties, Iowa (FHWA-IOWA-EIS-79-02-D)	LO2	H
D-FHW-L40086-WA	132d Street South East Improvement Extension, Snohomish County, Washington	ER2	K
D-FRA-J53001-00	C & NW Coal Line Project, Converse and Campbell Counties, Wyoming, North and South Central States, Texas and Florida	EU2	I

Appendix I.—Draft Environmental Impact Statements for Which Comments were Issued Between Oct. 1 and Oct. 31, 1979—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
FEDERAL ENERGY REGULATORY COMMISSION			
DS-FRC-K05006-CA	Kerkhof Project No. 96, San Joaquin River, California	ER2	J
D-FRC-L03002-AK	Prudhoe Bay Project, Construction and Operation, Sales Gas Conditioning Facility, Prudhoe Bay, Alaska.	L02	K
GENERAL SERVICES ADMINISTRATION			
D-GSA-H81005-00	Internal Revenue Service, Midwest Service Center, Jackson County, Missouri and Wyandotte County, Kansas.	L02	H
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-E85054-SC	Archdale Subdivision, Charleston, Dorchester County, South Carolina	L02	E
D-HUD-E85055-TN	Hunters Hollow Planned Community, Shelby County, Tennessee	L02	E
D-HUD-E85056-SC	Fairfax Subdivision, Mortgage Insurance, Charleston, Berkeley County, South Carolina	ER2	E
D-HUD-E85058-SC	Crowfield Plantation Planned Unit Development, Charleston, Berkeley County, South Carolina	L02	E
D-HUD-E91000-TN	South Central Business District Improvement Program, Chattanooga, Tennessee (UDAG)	L01	E
D-HUD-F85050-OH	West Point Subdivision, Praine Township, Franklin County, Ohio	ER2	F
D-HUD-F85051-MN	Rice Lake Trails, Lake Woods Development, Maple Grove, Hennepino County, Minnesota	ER2	F
D-HUD-F89005-OH	Hamilton East Multipurpose Project, Butler County, Ohio	ER2	F
DS-HUD-G85142-TX	Flower Mound New Town, Termination, Flower Mound, Denton County, Texas	3	G
D-HUD-J85024-CO	Concord Planned Development, Montbello, Denver County, Colorado	L01	I
D-HUD-K80008-CA	Burbank City Center Redevelopment Project, (CDBG) Los Angeles County, California	L02	J
D-HUD-K80009-CA	Downtown Oakland Convention Center and Hotel (UDAG), California	L02	J
D-HUD-L85015-WA	Suncrest Farms Northwest, Suncrest 7th and 9th, Stevens County, Washington (HUD-R10-EIS-79-4D).	L02	K
D-HUD-L85017-AK	Settlers Bay Subdivision, Wasilla, Alaska	L02	K
INTERSTATE COMMERCE COMMISSION			
D-ICC-H53001-00	Purchase of Rock Island Railroad Line, New Mexico to Missouri	ER2	H

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmental Unsatisfactory

EPA believes that the proposed action is

unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternative reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact

statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between Oct. 1, and Oct. 31, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-C30005-NY	Small Boat Harbor, Navigation Facilities, Olcott, Niagara County, New York.	EPA continues to have environmental reservations about the proposed project. EPA does not object to the project provided that disposal of contaminated dredge spoils does not adversely impact local groundwaters, and that breakwaters do not adversely affect the fisheries of Lake Ontario and Eighteen Mile Creek.	C
F-COE-D35017-MD	Mariners Two Marina, Permit, Middle River, Baltimore County, Maryland.	EPA recommends that the project be reevaluated. Currently the supply of Manas meets the demand for ships and the assumption that the demand for motor boating for recreational purposes will increase during the current period of gasoline and energy shortages is believed to be in error.	D
F-COE-E24002-AL	Theodore Industrial Park, Pipeline and Wastewater Outfall, Mobile Bay, Alabama.	EPA finds the final EIS satisfactory in addressing the environmental consequences of alternatives and in replying to issues raised in the draft EIS. The final EIS does, however, lack a selected alternative and thus cannot be relied on environmental acceptability.	E
F-COE-E32024-FL	Manatee Harbor, Channel Maintenance for Navigation, Florida.	EPA's concerns were adequately addressed in the final EIS.	E
F-COE-F32040-OH	Transfer Terminal Fleetling Facility, Ohio River Mile 308, Chesapeake, Lawrence County, Ohio.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA believes the noise analysis should be expanded to include projected noise levels as well as mitigation to reduce negative impacts.	F

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between Oct. 1, and Oct. 31, 1979—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE			
F-SCS-D36028-WV	Pond Run Watershed, Wood County, West Virginia.	EPA's concerns were adequately addressed in the final EIS.	D
F-SCS-G36064-OK	Paw Paw Bottoms Watershed Project, Sequoyah County, Oklahoma.	EPA's concerns were adequately addressed in the final EIS.	G
DEPARTMENT OF DEFENSE			
F-USA-K11010-CA	Fort Ord Mission Change, Monterey County, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF THE INTERIOR			
F-BLM-G61010-NM	East Roswell Area, Grazing Management Program, Eddy and Lea Counties, New Mexico.	EPA's concerns were adequately addressed in the final EIS.	G
F-HCR-D61010-MD	Palapasco Valley State Park, Anne Arundel, Baltimore, Carroll, and Howard Counties, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D
F-NPS-G61006-TX	Master Plan, Big Bend National Park, Brewster County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
DEPARTMENT OF TRANSPORTATION			
F-FAA-F51016-IN	Fort Wayne Municipal Airport, Runway Construction, Baer Field, Fort Wayne, Indiana.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-A41711-IN	Hobson Road To St. Joe Road Projects, U.S. 30 Bypass North To Mayhew Road, Fort Wayne, Allen County, Indiana.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA offered additional comments in the area of erosion control.	F
F-FHW-B40023-MA	I-93 to U.S. 1, Reconstruction of Interchange Mystic River Bridge, Boston, Charlestown and Cambridge, Suffolk and Middlesex Counties, Massachusetts.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned that the impacts on air quality cannot be completely appeased at this time. EPA, therefore, requested that FHWA and Massachusetts Department of Public Works continue to involve EPA staff with the decisions which affect air quality.	D
F-FHW-C40010-NY	NY-31 Improvements, Baldwinsville to Belgium, Onondaga, New York.	EPA's concerns were adequately addressed in the final EIS. However, EPA suggested inter-agency coordination during the design phase of the project to assure that wetland losses will be minimized.	C
F-FHW-C40032-NJ	NJ-23, I-80 to New Street, Wayne, Passaic County, New Jersey.	EPA's concerns were adequately addressed in the final EIS.	C
F-FHW-E40098-GA	I-675, Construction, I-75 to I-285, Clayton, Henry, and De Kalb Counties, Georgia.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-E40154-GA	I-75 Improvement, Cleveland and Central Avenues, Fulton and Clayton Counties, Georgia.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-E40162-GA	I-575, construction, Canton and Nelson, Cherokee and Pickens Counties, Georgia.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-F40105-IN	Lafayette Railroad Relocation, Lafayette, Tippecanoe County, Indiana.	EPA's concerns were adequately addressed in the final EIS. EPA offered several suggestions associated with the alternatives to be used as mitigation measures once a final decision is reached.	F
F-FHW-G40062-AR	North Little Rock Riverside Expressway, Pulaski County, Arkansas.	EPA's concerns were adequately addressed in the final EIS.	G
F-FHW-L40078-OR	Clackamas Highway, OR-212, I-205, East Portland Freeway to Boring Road, Clackamas County, Oregon (FHWA-OR-EIS-79-03-F).	EPA's concerns were adequately addressed in the final EIS.	K
GENERAL SERVICES ADMINISTRATION			
F-GSA-B80005-RI	Federal Office Building, Providence, Providence County, Rhode Island.	EPA requests that the general services administration continue to coordinate with the Rhode Island Department of Environmental Management (DEM) to resolve DEM's concerns with the impact of the proposed action on air quality.	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-G85126-TX	Cross Creek Development, Plano, Collin County, Texas.	EPA continues to have environmental reservations regarding the addition of the wastewater to be generated by the population of the proposed project to the existing municipal facilities. In addition, EPA considers the final EIS unresponsive to concerns raised and to alternatives that were recommended for consideration in a meeting with HUD representatives concerning the above stated project.	G
F-HUD-G85133-TX	Sugarmill Subdivision, Fort Bend County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
F-HUD-K89026-CA	Residential Development of Riverview Estates, Fresno County, California.	EPA's concerns were adequately addressed in the final EIS.	J
F-HUD-L85012-ID	Lakewood Planned Community, Boise, Ada County, Idaho.	EPA's review of the final EIS indicated HUD has not adequately responded to comments EPA made on the draft EIS. Specifically, EPA requested a more detailed air quality assessment in view of the CO levels and part of the Boise area is a nonattainment area for CO. Furthermore, HUD has not acquired the proper certification from the proper State agencies.	K
INTERSTATE COMMERCE COMMISSION			
F-ICC-F53010-IL	Conrail To Discontinue the Operation of Passenger Trains Nos. 453-456 Between Valparaiso, Indiana and Chicago, Illinois.	EPA has not had an opportunity to review the draft EIS and has deferred commenting on the final until that review has been completed.	F

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between Oct. 1 and Oct. 31, 1979—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
VETERANS ADMINISTRATION			
F-VAD-D80010-MD	Replacement Medical Center, Veterans Administration, Baltimore, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D

Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Oct. 1 and Oct. 31, 1979

Identifying No.	Title	Source of review
DEPARTMENT OF AGRICULTURE		
F-AFS-J64000-SD	Norbeck Wildlife Preserve, Black Hills National Forest, Custer and Pennington Counties, South Dakota	I
F-REA-J08009-ND	Loan Commitment, Basin Electric Power Cooperative, North Dakota to Saskatchewan Inter tie 230 kV Transmission, North Dakota	I
DEPARTMENT OF COMMERCE		
FS-NOA-B91009-00	Atlantic Herring Fishery Management Plan	B
DEPARTMENT OF THE INTERIOR		
F-BLM-J99009-MT	Missouri Breaks Grazing Management Program, Montana	I
F-BLM-J99010-UT	Randolph Planning Unit, Grazing Management Plan, Rich County, Utah	I
F-BLM-J99011-00	Three Corners Grazing Management Plan, Utah and Colorado	I
F-BLM-J99013-UT	Parker Mountain Planning Unit, Grazing Management Plan, Wayne County, Utah	I
F-IGS-J01018-WY	Caballo Mine, Mining and Reclamation Plan, Campbell County, Wyoming	I
F-IGS-J01022-MT	Big Sky Mine, Expansion and Reclamation Plan, Rosebud County, Montana	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-A80021-00	Single Family Construction Application Procedures	A
F-HUD-F89004-WI	Capitol Centre Redevelopment, Madison, Dane County, Wisconsin	F

Appendix V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Oct. 1 and Oct. 31, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
CIVIL AERONAUTICS BOARD			
R-CAB-A86151-00	14 CFR Part 312, Implementation of the NEPA Act of 1969, Proposed Reissuance of the Part (44 FR 45637).	EPA commended CAB on this proposed rulemaking and suggested that CAB incorporate CEQ regulations either by direct reference or preferably by point-by-point rescission of the proposed rule. EPA also pointed out potential problems in the procedure for determining the necessary degree of environmental assessment for a proposed project. EPA applauded CAB's recognition of the cumulative nature of the impacts resulting from their actions and cautioned that the impacts, although cumulative, may not be equally disbursed geographically.	A
CORPS OF ENGINEERS			
A-COE-D35018-VA	Assessment, Maintenance Dredging, Bonum Creek, Westmoreland County, Virginia.	EPA has reviewed both the environmental assessment and public notice and has no proposed objections to the project as proposed.	D
A-COE-D35019-VA	Assessment, Chincoteague Bay Channel Maintenance Dredging, Chincoteague Bay, Virginia.	EPA has no objections to the proposed project provided it is conducted in an environmentally sound manner.	D
A-COE-D35021-MD	Combined Environmental Assessment for Maintenance Dredging at Tipton Island and Knapps Narrows, Maryland.	EPA has no further recommendations to offer at this time.	D
DEPARTMENT OF ENERGY			
A-DOE-A09081-00	10 CFR Chapter II, III and X Renewable Energy Resources, Inquiry To Identify any Federal Regulations Which Might Prevent or Impede Development (44 FR 50601).	EPA recognized the potential for long-term environmental benefits in programs that develop and implement renewable energy sources and agreed to facilitate the regulatory and review requirements in formal procedure and every day practice in much the same way EPA handles other energy priority issues.	A
DEPARTMENT OF TRANSPORTATION			
R-CGD-A52143-00	46 CFR Parts 30, 32 and 35, New and Existing Tank Barges, Proposals for Prevention of Oil Pollution (CGD75-063) (44 FR 34440).	EPA has reservations about the proposals. EPA believes that all new barges should have the double hull requirement as stated in the current pollution prevention regulations. In addition, the exemption allowing retrofitting of barges to keep them certified for carrying oil after 20 years should be deleted or revised to require complete protection.	A
N-FAA-D51012-PA	FNSI, Somerset County Airport, Runway 6-24 Extension, Somerset County, Pennsylvania.	EPA has no objection to the project as described.	D

Appendix V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Oct. 1 and Oct. 31, 1979—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
A-FAA-D51013-VA	Assessment, Blue Ridge Airport, Westerly Extension of Runway 12-30, Martinsville, Virginia.	EPA has no objections to the project as described and commends the FAA on the mitigation measures which are to be a condition of Federal approval.	D
A-FAA-D51014-MD	Baltimore Washington International Airport, General Aviation Complex, Maryland.	EPA raised several questions concerning assessment procedures used in the report and suggested that the assessment of the project's air quality and noise impacts be strengthened.	D
A-FHW-D40074-MD	Assessment, MD-410 Extended, Baltimore and Washington Parkway to Pennsy Drive, Prince Georges County, Maryland.	EPA has reviewed the air quality analysis, and has no objections to the project from a microscale air quality standpoint. However, EPA prefers the generic receptor sites to be located at the edge of right of way in future studies.	D
FEDERAL ENERGY REGULATORY COMMISSION			
R-FRC-A02154-00	18 CFR Parts 271 and 274, High Cost Natural Gas Produced From Tight Formations (44 FR 52253).	EPA agreed that incentive pricing should be a viable method of increasing domestic natural gas production thus decreasing U.S. dependency on imported energy. EPA suggested that FERC require an environmental report and assessment as part of the procedures to qualify gas for the incentive price. EPA also suggested that FERC consider preparing a programmatic EIS on the proposed action.	A
NATIONAL CAPITAL PLANNING COMMISSION			
L-NCP-D86002-DC	District of Columbia Comprehensive Plan Goals and Policies Act of 1978.	EPA is pleased to see that many environmental issues have been included in this policy statement. EPA feels that it will form a good framework for future planning efforts in the district.	D
R-NCP-D86003-DC	National Capital Planning Commission, Comprehensive Plan Modification #79-1A.	EPA has reviewed the proposed plan and has no objections to the proposal. It is EPA's understanding that adequate public transportation facilities already exist in the area, and that the plan modification would not induce significant changes in local traffic volumes.	D

Appendix VI—Source for Copies of EPA Comments

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106
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- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604
- G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas Texas 75270
- H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735, Baltimore Street, Kansas City, Missouri 64108
- I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203
- J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108
- K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-22054 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1547-2]

Intent To Prepare Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA), Region V 5WEE/EIS, 230 South Dearborn Street, Chicago, Illinois 60604.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS).

PURPOSE: In accordance with Section 102(2)(c) of the National Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publish this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Gene Wojcik, Chief, EIS Section, U.S. EPA Region V, 5WEE/EIS, 230 South Dearborn Street, Chicago, Illinois 60604, 312-353-2157.

SUMMARY:**1. Description of Proposed Action**

The EPA action is the approval of a Facilities Plan and the issuance of grant funds pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities located within the facilities planning area which includes the Moose Lake-Windemere Sanitary District and the City of Burnum including the corridor between the Cities of Moose Lake and Burnum in Pine and Carlton Counties, Minnesota.

2. Description of Alternatives**A. Treatment Plant Alternatives**

1A: Expanding Existing Moose Lake lagoon site including Burnum

1B-1: New activated sludge wastewater treatment plant with outfall

1B-2: New activated sludge wastewater treatment plant with spray irrigation

1C-1: New oxidation ditch wastewater treatment plan with outfall

1C-2: New oxidation ditch wastewater treatment plant with spray irrigation

2A and 2B-1: Expanding existing Moose Lake lagoon site and new activated sludge wastewater treatment plant

2A and 2B-2: Expanding existing Moose Lake lagoon site and new oxidation ditch wastewater treatment plant

3: Expanding existing Moose Lake site without Burnum (recommended in facilities plan)

B. Island and Sturgeon Lakes Collection Alternatives

4A: Conventional gravity sewers (recommended by facilities plan)

4B: Grinder pumps and low pressure sewers

4C: On-site systems

4D: Group holding tanks

3. Public and Private Participation in the EIS Process

Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process. All requirements of the public participation regulations will be fulfilled.

4. Scoping

Region V will be holding meetings to discuss the alternatives and the scope of

the Draft EIS. For additional information, contact the person indicated above. Public notices will be issued prior to all subsequent meetings.

5. Some Significant Issues To Be Addressed in the EIS

A. Impact of Project on Water Quality (40 CFR 6.506(a)(7))

There was no documentation supporting the need to sewer around Island and Sturgeon Lakes except that there appears to be public opinion that the increased degradation of these lakes is caused by failing or poorly designed on-site treatment.

B. Socioeconomic Impact (40 CFR 6.506(a)(4))

The substantial costs will probably have a significant impact on the service area families, particularly those on fixed or lower incomes in the Island and Sturgeon Lakes area, encouraging or forcing them to sell their property and thus accelerating changes in occupancy patterns.

C. Secondary Impact and Induced Growth (40 CFR 6.506(a)(1))

The probable development and land use change induced by the project, and its effect on the demand for future services, must be assessed.

6. Timing

EPA initially estimates the Draft EIS will be available for public review and comment approximately one year from the date of this notice provided all requisite field work can be completed this summer.

7. Requests for Copies of Draft EIS

All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the Draft EIS and related public notices.

Dated: July 16, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

[FR Doc. 80-22050 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL1547-1]

To Prepare a Draft Environment Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA), Region V, Chicago, Illinois.

ACTION: Notice of intent to prepare draft environmental impact statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental

Policy Act, the EPA has identified a need to prepare an EIS and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Gene Wojcik, Chief, EIS Section, Environmental Engineering Branch (5WEE), 230 South Dearborn Street, Chicago, Illinois 60604, 312/353-2157.

SUMMARY

1. Description of the Proposed Action

Over the past two years, Region V has reviewed many wastewater treatment projects that propose utilizing the natural assimilative capacity of wetlands. During the review process similar environmental questions were repeatedly encountered. This EIS will address many of these issues by investigating currently operating wastewater treatment works in a generic fashion and utilizing the data collected to best address the concerns on future projects.

The nature of a future action could result in the approval of facilities plans, funded under the Construction Grants Program, which discharge to wetlands, utilize wetlands as part of the treatment process, or involve the creation of manmade wetlands to treat wastewater and create wildlife habitat.

2. Description of Alternatives

This EIS will be prepared in a "generic" fashion and will examine many different sewage treatment alternatives and any relationships to different types of wetlands. Several case studies will be chosen to analyze the various impacts.

3. Public and Private Participation in the EIS Process

To ensure that the public and other interested Federal, State, and local agencies have an opportunity to understand official actions, and give input concerning issues that affect them, participation in the planning process is invited. Opportunities for public involvement will be developed and participation encouraged through various means. All requirements of the public participation regulations will be fulfilled. If you would like to be added to our mailing list please contact the above named individual.

4. Significant Issue To Be Discussed in the EIS Include

a. The consistency between the application of treated wastewater to wetlands and the various regulations that serve to protect wetlands will be addressed. These include Executive Order 11990 and Section 404 of the Clean Water Act.

b. The study will seek to identify the potential for long-term impacts on a wetland by examining existing discharges. The EIS will use a "mosaic" approach to assessing the long term impacts. Similar systems that have been operating for various lengths of time will be compared and the changes they have caused to the ecosystem, if any, analyzed. The tradeoffs of short-term and long-term benefits will be addressed. The EIS will develop mitigative measures to ensure to the greatest extent possible, the environmental compatibility of wetland discharges. Other topics of investigation include proposing application rates, seasons of discharge, area required for proper treatment, optimum soil and vegetative types, and other factors needed for the operation of a treatment works. During the scoping process, study methods will be developed to investigate the long-term compatibility of wetlands and wastewater effluent.

A list of possible case study discharges has been developed, but is subject to revision during the scoping process. These existing treatment processes are associated with wetlands in different relationships and will be used to address issues associated with this EIS.

c. The EIS will identify mitigative measures associated with construction in wetland areas. This will include cases where a treatment plant must be located in a wetland or an interceptor must cross a wetland.

d. The EIS will identify mitigative measures to minimize secondary impacts to wetlands.

e. The EIS will study different wetland types and identify the suitability for assimilating treated wastewater. Measures would be proposed to ensure compatibility of the wetland with a proposed discharge.

f. The EIS will examine the feasibility of creating wetlands to become part of the wastewater treatment process.

g. The EIS will investigate how acid bogs can be utilized in the wastewater treatment process. The study will further address bog suitability as a receiving water and potential mitigative measures to address environmental impacts such as changes in the plant community that could adversely affect suitable habitat for endemic wildlife species. Changes in pH over the long term will also be addressed to the extent possible.

h. Various methods of applying the wastewater will be examined with recommendations for each system.

i. An important issue will be to determine methods that can be utilized to create or enhance wildlife habitat. Examples exist where wastewater

treatment discharges create valuable wetland habitat or contribute to increased productivity. These will be studied, the existing conditions analyzed, and recommendations developed for other areas.

j. The feasibility of a year-round discharge will be examined.

k. The EIS will determine if there are any toxic effects of the sewage treatment process to aquatic ecosystems, particularly, waterfowl. The EIS will examine if a relationship exists between wastewater discharges and conditions that harbor duck botulism.

5. Scoping

In accordance with the new NEPA regulations and due to the complex issues associated with this project, a comprehensive project scoping process will be implemented. Many Federal and State Agencies, universities, and private organizations and individuals have expressed an interest in this EIS. If you would like to be notified of these meetings, please contact the person indicated above. Public notice will also be given of all meetings.

6. Timing

EPA estimates the draft EIS will be available for public review and comment in late 1982. During the process several interim reports will be published as necessary.

7. Requests for Copies of Draft EIS

All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS, related notices and interim reports.

William N. Hedeman, Jr.,
Director, Office of Environmental Review
(A-104)

July 16, 1980.

[FR Doc. 80-22051 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1547-6; OPP 50490]

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) had issued experimental use permits to the following applicants. Such permits are in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purpose.

10182-EUP-20. ICI Americas, Inc. Wilmington, DE 19897. This experimental use permit allows the use of 0.05 pounds of the rodenticide 3-[3-(4'-bromo[1,1'-biphenyl]4-yl)-1,2,3,4-tetrahydro-1-naphthalenyl] 4-hydroxy-2H-1-benzopyran-2-one in and around

farm buildings to evaluate secondary hazards to avian nontarget species. A total of 20 farmsteads are involved. The program is authorized only in the States of Delaware, Maryland, New Jersey, and Pennsylvania. The program is effective from May 15, 1980 to May 15, 1981. (PM-16, William H. Miller, E: 343, Telephone: 202-426-4026)

400-EUP-58. Uniroyal Chemical, Division of Uniroyal, Inc. Bethany, CT 06525. This experimental use permit allows the use of 250 pounds of the fungicide 5,6-dihydro-2-methyl-1,4-oxathin-3-carboxanilide on peanuts to evaluate control of *Sclerotium rolfsii*. A total of 100 acres are involved. The program is authorized only in the States of Oklahoma and South Carolina. The experimental use permit is effective from June 1, 1980 to June 1, 1981. This experimental use permit amends a notice that appeared in the Federal Register on June 13, 1980 (45 FR 40221). It increases the fungicide from 2,000 to 2,250 and the acreage from 800 to 900. (PM 21, Henry Jacoby, Room: E-305, Telephone: 202-755-2562)

2139-EUP-24. Nor-Am Agricultural Products, Inc. Naperville, IL 60540. This experimental use permit allows the use of 1,200 pounds of the fungicide propyl [3-(dimethylamino)propyl] carbamate monohydrochloride on turf grass to evaluate control of pythium blight. A total of 96 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The experimental use permit is effective from June 6, 1980 to May 1, 1981. The program was previously authorized from August 21, 1979 to August 21, 1980. (PM 21, Henry Jacoby, Room: E-305, Telephone: 202-755-2562)

3125-EUP-172. Mobay Chemical Corp., Agricultural Chemicals Division, Kansas City, MO 64120. This experimental use permit allows for the use of 270 pounds of the insecticide bolstar on forest lands to evaluate control of western spruce budworm. A total of 750 acres are involved. The program is authorized only in the State of Idaho. The experimental use permit is effective from June 18, 1980 to June 18, 1981. (PM 12, Phillip Hutton, Rm. E-303, Telephone: 202/426-2637)

Persons wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, D.C. 20460. Inquiries

regarding these permits should be directed to the contact persons given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: July 17, 1980.

Douglas D. Camp, Jr.,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 80-22048 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50469; FRL 1548-3]

Sandoz, Inc.; Experimental Use Permit for Insecticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an extension of an experimental use permit to Sandoz, Inc. for use of the insecticide 1-methylethyl(E)-3-[[[(ethylamino) methoxyphosphinothioyl]oxy]-2-butenate in or around buildings (non-food areas) to evaluate control of cockroaches, ants, spiders, crickets, fleas, firebrats, silverfish, and brown dog ticks. The experimental use permit is extended under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The experimental use permit is effective from May 25, 1980 to May 25, 1981.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM-16), Rm. E-343, (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460, 202/42-9458.

SUPPLEMENTARY INFORMATION: Sandoz Inc., San Diego, CA 92108, has been issued experimental use permit No. 11273-14. This permit allows the use of 250 pounds of the insecticide 1-methylethyl(E)-3-[[[(ethylamino) methoxyphosphinothioyl]oxy]-2-butenate in or around buildings (non-food areas) to evaluate control of cockroaches, ants, spiders, crickets, fleas, firebrats, silverfish, and brown dog ticks. A total of 15,625 sites are involved; the program is authorized only in the States of Alabama, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New

Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Tennessee, Texas, Utah, Virginia, and Washington.

Persons wishing to review the experimental use permit are referred to the Product Manager indicated above. Inquiries regarding this permit should also be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: July 16, 1980.

Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

(FR Doc. 80-22043 Filed 7-22-80; 8:45 am)
BILLING CODE 6560-01-M

[PFT-41; FRL 1548-1]

Sandoz, Inc.; Filing of a Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing by Sandoz, Inc. of a food additive petition (FAP OH5260) to permit the use of the insecticide propetamphos [(E)-1-methylethyl 3-[[[ethylamino]methoxyphosphinothioyl]oxy]-2-butenate] in or on food resulting from its use in a proposed experimental program involving application in food handling establishments in accordance with the Federal Food, Drug, and Cosmetic Act, as amended.

ADDRESS: Written comments and inquires to: Mr. William Miller, Product Manager (PM) 16, Registration Division (TS-767), Room E-343, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202/426-9458.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "[PFT-41]" and the petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: Sandoz, Inc., 480 Camino del Rio South, San Diego, CA 92108 has submitted a food additive petition (FAP OH5260) to EPA

which proposes that 21 CFR 193 be amended by permitting the use of the insecticide propetamphos [(E)-1-methylethyl 3-[[[ethylamino]methoxyphosphinothioyl]oxy]-2-butenate] in or on food resulting from its use in a proposed experimental program involving application of a 1.0% concentration in food handling establishments at 0.1 part per million (ppm).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: July 16, 1980.

Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

(FR Doc. 80-22045 Filed 7-22-80; 8:45 am)
BILLING CODE 6560-01-M

[PF-195; FRL 1547-5]

American Cyanamid Co.; Filing of a Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by American Cyanamid Co., proposing that a tolerance be established for the fire ant insecticide [tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone[3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl)phenyl]ethenyl]-2-propenylidene]hydrazon] in or on the raw agricultural commodity forage grasses at 0.05 part per million (ppm).

ADDRESS: Written comments and inquires should be directed to: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767), Rm. E-329, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202/426-9490.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "[PF-195]" and the petition number (OF 2374).

All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Agricultural Division, Wayne, NJ 07470, has submitted a pesticide petition establishing a tolerance for the fire ant insecticide [tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone[3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl)phenyl]ethenyl]-2-propenylidene]hydrazon] in or on the

raw agricultural commodity forage grasses at 0.05 ppm. The proposed analytical method for determining residues is by gas-liquid chromatography using an electron capture detector.

(Sec 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: July 15, 1980.

Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

(FR Doc. 80-22047 Filed 7-22-80; 8:45 am)
BILLING CODE 6560-01-M

[PF-191; FRL 1547-7]

E. I. du Pont de Nemours & Co.; Filing a Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours & Company, Wilmington, DE 19898, proposes that 40 CFR 180.303 be amended by establishing tolerance limitations for the insecticide oxamyl, methyl N',N'-dimethyl-N[(methylcarbamoyl)oxy]-1-thiooxaminidate in or on the raw agricultural commodities soybeans and soybean straw at 0.2 part per million (ppm).

ADDRESS COMMENTS TO: Jay Ellenberger, Product Manager (PM) 12, Office of Pesticide Programs, Registration Division (TS-767), Rm. E-303, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, 202/426-2635.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "[PF-191]" and the petition number.

Pursuant to section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the EPA gives notice that the following petition has been submitted to the Agency for consideration.

PP OF2366. E. I. du Pont de Nemours & Co., Wilmington, DE 19898. Proposes that 40 CFR 180.303 be amended by establishing tolerance limitations for the insecticide oxamyl, methyl N',N'-dimethyl-N[(methylcarbamoyl)oxy]-1-thiooxaminidate in or on the following raw agricultural commodities:

Commodities:	Parts per million (ppm)
Soybeans	0.2
Soybean straw	0.2

The proposed analytical method for determining residues is by a gas chromatography with sulfur sensitive flame photometric detector.

All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 408(d)(1) 68 Stat. 512 (7 U.S.C. 136))

Dated: July 17, 1980.

Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 80-22046 Filed 7-22-80; 8:45 am]

BILLING CODE 6550-01-M

[OPTS-59028; FRL 1548-5]

Amines, C₁₀₋₁₈ Alkyldimethyl, and Phosphate Salt; Premanufacture Exemption Application

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny the application by August 9, 1980. Persons should submit written comments on this application no later than August 7, 1980.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Office of Pesticides and Toxic
Substances, Environmental Protection
Agency, 401 M St., SW, Washington, DC
20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT:
Kirk Macconaughey, Premanufacturing
Review Division (TS-794), Office of
Pesticides and Toxic Substances,
Environmental Protection Agency,
Washington, D.C. 20460, 202-426-3936.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import

begins. A "new" chemical substance is any chemical substances that is not on the Inventory of existing chemical substance compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register on May 15, 1979 (44 FR 28558).

The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Dermal.....	10	2	35	.....	> 100 ppm
Contact with the new compound would be due to accidents or poor handling practices.						
Use.....	Dermal.....	Not applicable.....	.....	.....	.....	> 100 ppm

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2288) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before August 7, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59028]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding holidays. (Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren Muir,
Acting Deputy Assistant Administrator for
Chemical Control.

TME 80-31.

Close of Review Period. August 9, 1980.

Manufacturer's Identity. Sybron Corp.,
Chemical Division-Tanatex, PO Box 125,
Welford, SC 29385.

Specific Chemical Identity. Amines, C₁₀₋₁₈ alkyldimethyl, and phosphate salt.

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Use. Textile dyeing ingredient.

Production Estimates. The submitter states that 2,664 kilograms (kg) of the PMN substance will be manufactured for test marketing purposes during the four-month test market period.

Physical Properties.

Boiling point—212°F.

Specific gravity—1.05.

% Volatile (by volume)—50.

Solubility—Soluble in water.

Appearance and odor—Clear liquid, mild odor.

Toxicity Data. No data were submitted.

In the use of the products containing the new compound, workers will be exposed to the compound during weighing and mixing operations and, to very slight extent, during handling of the dyed fabric or yarn while it is still wet.

Environmental Release/Disposal.

Manufacture:	
Media.....	Amount/Duration of Chemical Released (kg/yr).
Water.....	100-1,000 24 hr/day; 365 days/yr.

During sampling and drumming, the product exists in the concentration produced. Any spills will be washed to the sewer. The manufacturer's waste treatment facility consists of an extended aeration system, a biological reactor, and a chlorination basis.

[FR Doc. 80-22041 Filed 7-22-80; 8:45 am]

BILLING CODE 6550-01-M

[OPTS-51090; FRL 1548-8]

Amine Extended Alpha-W-Hydroxy-Poly[oxy(Methyl-1, 2-Ethanediyl)] Polymer With 1, 3-Diisocyanatomethylbenzene; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Kirk Macconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new

chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy. A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(d). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical

use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 22, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51090]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-144.

Close of Review Period. September 21, 1980.

Manufacturer's Identity. Spencer Kellogg, Division of Textron Inc., 120 Delaware Ave., Buffalo, NY 14240.

Specific Chemical Identity. Claimed confidential. Generic name provided: Amine extended alpha-w-hydroxy-poly[oxy(methyl-

1,2-ethanedithiol) polymer with 1,3-diisocyanatomethylbenzene.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. The substance will be used as a vehicle for coatings (65% of production) and as a vehicle for printing inks (35%).

Production Estimates. Claimed confidential.

Physical/Chemical Properties. Claimed confidential.

Toxicity Data. No data were submitted.

Exposure. During manufacture, four workers may be dermally exposed for four hours a day, 188 days a year.

Environmental Release/Disposal. The manufacturer claims that there will be no release of the PMN substance to the environment. The only waste generated consists of samples for quality control and possible off-specification material. These are not released but are collected and disposed of in permitted facilities by incineration or secure landfill.

[FR Doc. 80-22038 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51089; FRL 1548-7]

Neopentyl Glycol, Dimerized Fatty Acid Polymer; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 19, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050

FOR FURTHER INFORMATION CONTACT: George Bagley, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202/426-3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture

or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will

publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 19, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51089]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren R. Muir,
Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-142.

Close of Review Period. September 18, 1980.

Manufacturer's Identity. John C. Dolph Co., PO Box 287, West New Road, Monmouth Junction, NJ 08852.

Specific Chemical Identity: Neopentyl glycol, dimerized fatty acid polymer.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Coating for porous surface for electrical tape applications.

Production Estimates. The manufacturer estimates 15,000 pounds per year for the first two years.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

[FR Doc. 80-22039 Filed 7-23-80; 8:45 am]

BILLING CODE 6550-01-M

[FRL 1549-4; OPTS-51094]

Poly(Vinylacetate-CO-Butyl Acrylate, Tert-Octylacrylamide) Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 28, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT:

Rick Green, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202/426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], required any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal

Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add

the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 28, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51094]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren R. Muir,
Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-152.

Close of Review Period. September 28, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Poly(vinylacetate-co-butyl acrylate, tert-octylacrylamide).

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. No generic use provided.

Production Estimates.

	Pounds per year	
	Minimum	Maximum
	(lb/yr)	
First year	100	200
Second year	400	800
Mature usage (at 5 yrs.)	2,000	4,000

Physical Property. Molecular weight (viscosity average)—500,000.

Toxicity Data. The manufacturer states that the PMN substance will be produced in emulsion form, but does not have toxicity tests on the specific emulsion. The manufacturer provided toxicity test results on a similar emulsion based on vinyl acetate, butyl acrylate, and a substituted acrylamide monomer.

Acute oral toxicity, LD₅₀ (rats)—No deaths in test group of 64 g/kg.

Acute dermal toxicity (rabbits)—Exposure 2 g/kg for 24 hours, 0 deaths.

Eye irritation (rabbits)—Minimally irritating.

Skin irritation (rabbits)—Non-primary irritant.

Occupational Exposure During Manufacture and Packaging.

Route	Maximum number of persons exposed	Maximum duration, hour/week	Range of concentration ppm (in working atmosphere)		
			Vinyl acetate	Butyl acrylate	t-Octyl acrylamide
Inhalation.....	50	8	0-8	0-6	Solid non-volatile.

The application of this random copolymer to a substrate is done by a process which is highly automated and continuous. There is minimal worker exposure. Flow of liquid into the coating head is in a closed system by pump from bulk tank or drum. The coating head area is open, but highly vented. Drying and rewinding of the coated product involve no worker exposure.

The submitter estimates that the random copolymer will be used at 50 plants with 1-2 workers per shift at the coating head. On a three-shift basis, exposure of 300 workers is anticipated. *Disposal.* The manufacturer states that in the manufacturing operation, a small percentage of emulsion containing the subject copolymer will enter the plant effluent system. This will occur during equipment cleaning operations. The quantity of latex being fed into this stream will be less than 0.5% of the material produced. This effluent stream is treated, flocculating the polymer which is subsequently transferred to an approved landfill.

Finished emulsion which must be disposed will be coagulated in drums with appropriate gelling agents and/or disposed of in accordance with existing federal and local regulations.

[FR Doc. 80-22056 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51093; FRL 1549-3]

Substituted-(Substitutedvinyl)-Heteropolycyclic Salt; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 26, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Paige Beville, Premanufacture Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202/426-8815.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential

information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without

providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 21, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51093]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

Occupational Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Dermal and inhalation.	2	2	3	0-1 mg/m ³	0-1 mg/m ³
Use.....	Dermal and inhalation.	2	0.1	1	0-1 mg/m ³	0-1 mg/m ³

Disposal. Emissions of vapors and dusts are scrubbed before release to the atmosphere in accordance with applicable state regulations. Wastewater is collected in decanting sumps where heavy and light layers are removed for incineration. The clarified wastewater is treated in a wastewater treatment system. Liquid wastes containing combustible organics are collected and transported to an incinerator. Solid wastes containing combustible chemicals are transported to an incinerator.

A combustible waste incinerator operating above 1,600° F burns solid and liquid wastes. Flue gases pass through high energy scrubber systems. Scrubber water and ash quench water are discharged to a wastewater treatment system. Incinerators comply with applicable federal and state regulations.

[FR Doc. 80-22035 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51092; FRL 1549-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

PMN 80-151.

Close of Review Period. September 25, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Substituted-(substitutedvinyl)-heteropolycyclic salt.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Chemical intermediate. This new site-limited chemical intermediate will be used to manufacture a final chemical which will be incorporated in a commercial article. The final chemical will be a minor constituent of the article. No other categories of use are being considered for the new chemical.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year.....	0.07	0.14
Second.....	0.07	0.14
Third year.....	0.07	0.14

Physical Properties.

Melting range—183–185° C.

Solubility—1 percent in methanol/water.

Toxicity Data. No data were submitted.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-146, August 24, 1980; PMN 80-147, August 24, 1980; PMN 80-153, August 30, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Kirk Macaughy, Premanufacturing

Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-426-3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "New" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 [44 FR 28558]. The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 [44 FR 2242] and October 16, 1979 [44 FR 59764]. These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 [44 FR 28564] for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures

from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51092]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren R. Muir,
Acting Deputy Assistant Administrator for
Chemical Control.

PMN 80-146.
Close of Review Period. September 23,
1980.

Manufacturer Identity. Claimed
confidential.

Specific Chemical Identity.
Phosphorodithioic acid, *O,O'*-di (isohexyl,
isooctyl, isononyl, isodecyl) mixed
esters, zinc salt.

The following summary is taken from data
submitted by the manufacturer in the PMN.
Use. Lubricating oil additive.

Production Estimates. Claimed
confidential.

Physical Properties.
Color, ASTM—4.0 maximum.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration ¹	
			Hour/day	Day/year	Average	Peak
Manufacturing.....	Dermal.....	12	8	90	0.1 mg/m ³	0.1 mg/m ³
	Inhalation.....	12	8	90	0.1 mg/m ³	0.1 mg/m ³
	Eye.....	12	8	90	0.1 mg/m ³	0.1 mg/m ³

¹ Sampling and workers' areas.

Chemical substance is manufactured in
closed system and has very low vapor
pressure.

Environmental Release/Disposal.

Manufacturing and Processing:		Amount of Chemical Released (kg/yr).
Media.....		
Air.....		10-100.
Water.....		10-100.

PMN 80-147.
Close of Review Period. September 23,
1980.

Manufacturer's Identity. Claimed
confidential.

Specific Chemical Identity.
Phosphorodithioic acid *o,o'*-di(isohexyl,
isooctyl, isononyl, isodecyl) mixed
esters.

The following summary is taken from data
submitted by the manufacturer in the PMN.

Use. Captive intermediate reaction product
used for manufacturing zinc salt. The final
product is a lubricating oil.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration ¹	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Dermal.....	12	8	90	0.1 mg/m ³	0.1 mg/m ³
	Eye.....	12	8	90	0.1 mg/m ³	0.1 mg/m ³

¹ Sampling and worker's areas.

The dialkyldithiophosphoric acid (DDPA)
intermediate product is manufactured in
closed system and has a very low vapor
pressure.

Environmental Release/Disposal.

Manufacturing:		Amount of Chemical Released (kg/yr).
Media.....		
Air.....		10-100.
Water.....		10-100.

Odor—Characteristic pleasant.
Viscosity at 210°F—15 cSt (typical).
100°—120 cSt (typical).
Specific gravity 60°/60°F—1.06.
Coefficient of thermal expansion Vol./Vol.
°F—0.00043.

Pour point °F—0-5.
Flash point (Pensky Martens)°F—215.
Vapor pressure—5mm Hg at 68°F.
% Volatile (by volume)—Negligible.
Evaporation rate (N-Butyl acetate=1)—
Negligible.
Solubility—Soluble in hydrocarbons and
alcohols.

Corrosion—Non-corrosive.
Reactivity—Reacts with acids and bases.
Toxicity Data.

Acute dermal toxicity (rabbits)—>3.16 g/kg.
Acute dermal irritation (rabbits)—Moderate.
Acute oral toxicity (rats)—1.04-1.15 g/kg.
Eye irritation (rabbits)—Severe irritant.

Production Estimates. Claimed
confidential.

Physical Properties.

Odor—Pungent.
Color, ASTM—7.0 maximum.
Viscosity at 20°C—14.0 cPs.
Specific gravity 25/25°C—0.986
Vapor pressure—5mm Hg at 68°F.
%Volatile (by volume)—Negligible.
Evaporation rate (N-Butyl acetate=1)—
Negligible.

Total acid number, mgKOH/gm—143.
Solubility—Soluble in hydrocarbons and
alcohols; low solubility in water.

Corrosion—Corrosive.

Reactivity—Reacts with bases.

Toxicity Data.
Acute oral toxicity (rats)—Moderately to
highly toxic.

Acute dermal irritation (rabbits)—Moderately
toxic.

Skin irritation (rabbits)—Severely irritating.
Eye irritation (rabbits)—Corrosive to eyes.

PMN 80-153.
Close of Review Period. September 29,
1980.

Manufacturer's Identity. Magnablend Inc.,
PO Box 62, De Soto, TX 75115.

Specific Chemical Identity. Aluminum,
chloro citrate hydroxy complex.

The following summary is taken from data
submitted by the manufacturer in the PMN.

Use. Source of free, chelated, trivalent aluminum ion used to prevent intrusion of water into oil reservoir.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year.....	340,198	453,597
Second year.....	680,000	900,000
Third Year.....	1,360,000	1,800,000

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Dermal.....	2	.5	50	10-100 ppm	> 100 ppm
Use.....	Dermal.....	2	.5	25	10-100 ppm	> 100 ppm

[FR Doc. 80-22036 Filed 7-18-80; 7:22-80; 5 am]

BILLING CODE 65036-01-M

[OPTS-51091; FRL 1549-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by August 25, 1980.

ADDRESS: Written comments to: Document Control Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Paige Beville, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8815.

Physical/Chemical Properties.

Appearance and odor—Colorless to light brown, hazy, odorless solution.

Boiling point—220°F.

Specific gravity (H₂O=1)—1.293 Percent

Volatility (by volume)—Non-volatile.

Solubility—Completely soluble in water.

Evaporation rate (H₂O=1)—1.

Toxicity Data. No data were submitted.

Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2122 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the

restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before August 25, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51091]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-148.

Close of Review Period. September 24, 1980.

Manufacturer's Identity. Claimed confidential. Generic information provided: Annual sales—Between \$10,000,000 and \$99,000,000.

Manufacturer's site—East-North central region, U.S.

Standard Industrial Classification Code—285 (Paints and Varnishes).

Specific Chemical Identity. Supra castor fatty acid; tall oil fatty acid; trimethylolpropane; pentaerythritol; phthalic anhydride; and para-tert butylbenzoic acid alkyd polymer.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. Manufacturer states that the PMN substance will be used in coating materials.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year.....	9,000	12,000
Second year.....	18,000	24,000
Third year.....	18,000	24,000

Physical/Chemical Properties. Average molecular weight, 750-1,500. No other data submitted.

Toxicity Data. No data were submitted.

Occupational Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Inhalation.....	2	1	300	.....	1-10 ppm
Processing.....	Inhalation.....	30	4	300	.....	1-10 ppm
Use.....	Inhalation.....	Unknown	8	300	.....	1-10 ppm
Disposal.....	Inhalation.....	2	3	300	.....	1-10 ppm

Environmental Release/Disposal.

Manufacturing:		Amount/Duration of Chemical Release (kg/yr)
Media.....	.....
Air.....	Less than 10. 1 hr/d; 300 da/yr.	
Water.....	Less than 10 d/yr.	
Land.....	Less than 10.	
Waste product to landfill.		Amount/Duration of Chemical Release (kg/yr)
Use.....	.....
Air.....	Less than 10. 8 hr/d; 300 d/yr.	
Water.....	10-100. 8 hr/d; 300 d/yr.	
Land.....	None.	

Closed equipment is used in cooking and reducing the resin. The filter operation is vented to the atmosphere but the resin is non-volatile and some solvent is lost.

PMN 80-149.

Close of Review Period. September 24, 1980.

Manufacturer's Identity. Claimed confidential. Generic information provided: Annual sales—Between \$10,000,000 and \$99,000,000.

Manufacturer's site—East-North central region, U.S.

Occupational Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Inhalation.....	2	1	300	.....	1-10 ppm
Processing.....	Inhalation.....	30	4	300	.....	1-10 ppm
Use.....	Inhalation.....	Unknown	8	300	.....	1-10 ppm
Disposal.....	Inhalation.....	2	3	300	.....	1-10 ppm

Environmental Release/Disposal.

Manufacturing:		Amount/Duration of Chemical Release (kg/yr)
Media.....	.....
Air.....	Less than 10. 1 hr/d; 300 da/yr.	
Water.....	Less than 10 d/yr.	
Land.....	Less than 10.	
Waste product to landfill.		Amount/Duration of Chemical Release (kg/yr)
Use.....	.....
Air.....	Less than 10. 8 hr/d; 300 da/yr.	
Water.....	10-100. 8 hr/d; 300 da/yr.	

Closed equipment is used in cooking and reducing the resin. The filter operation is vented to the atmosphere but the resin is non-volatile and some solvent is lost.

PMN 80-150.

Close of Review Period. September 24, 1980.

Manufacturer's Identity. Claimed confidential. Generic information provided: Annual sales—Between \$10,000,000 and \$99,000,000.

Manufacturer's site—East-North central region, U.S. Standard Industrial Classification

Standard Industrial Classification Code—285 (Paints and Varnishes).

Specific Chemical Identity. Claimed confidential. Generic name provided: Soya fatty acid, supra castor fatty acid, benzoic acid phthalic anhydride, maleic anhydride, and pentaerythritol alkyl polymer.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. Manufacturer states that the PMN substance will be used in coating materials.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year.....	9,000	12,000
Second year.....	18,000	24,000
Third year.....	18,000	24,000

Physical/Chemical Properties. Average molecular weight, 750-1,500. No other data submitted.

Toxicity Data. No data were submitted.

Code—285 (Paints and Varnishes).

Specific Chemical Identity. Claimed confidential. Generic name provided: Safflower fatty acid type, phthalic anhydride, maleic anhydride, trimethylolpropane, pentaerythritol alkyl polymer.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. Manufacturer states that the PMN substance will be used in coating materials.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year.....	9,000	12,000
Second year.....	18,000	24,000
Third year.....	18,000	24,000

Physical/Chemical Properties. Average molecular weight, 750-1,500. No other data submitted.

Toxicity Data. No data were submitted.

Occupational Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Inhalation.....	2	1	300	.....	1-10 ppm
Processing.....	Inhalation.....	30	4	300	.....	1-10 ppm
Use.....	Inhalation.....	Unknown	8	300	.....	1-10 ppm
Disposal.....	Inhalation.....	2	3	300	.....	1-10 ppm

Environmental Release/Disposal.

Manufacturing:	
Media.....	Amount/Duration of Chemical Released (kg/yr).
Air.....	Less than 10. 1 hr/da, 300 da/yr.
Water.....	Less than 10.
Land.....	Less than 10
Waste product to landfill.	
Use:	
Air.....	Less than 10. 8 hr/da; 300 da/yr.
Water.....	10-100. 8 hr/da, 300 da/yr.

Closed equipment is used in cooking and reducing the resin. The filter operation is vented to the atmosphere but the resin is non-volatile and some solvent is lost.

[FR Doc. 80-22037 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51087; FRL 1548-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-141, August 18, 1980; PMN 80-145, August 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing

Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202-426-8815.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51087]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 16, 1980

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-141.

Close of Review Period. September 17, 1980.

Manufacturer Identity. Claimed confidential.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing.....	Dermal and inhalation.	2	2	3	0-1 mg/m ³	1-10 mg/m ³
Processing.....	Dermal and inhalation.	3	0.5	15	0-1 mg/m ³	0-1 mg/m ³

Environmental Release/Disposal.

Manufacturing:

Media.....	Amount of Chemical Released (kg/yr).
Air.....	Less than 10.
Water.....	Less than 10.
Land.....	None.

Emissions of vapors and dusts are scrubbed before release to the atmosphere in accordance with applicable state regulations. Wastewater is collected in decanting sumps where heavy layers and light layers are removed for incineration; the clarified wastewater is treated in a wastewater treatment system. Liquid wastes containing combustible organics are collected and transported to an incinerator. Solid wastes containing combustible chemicals are transported to an incinerator.

Process wastewater is treated prior to discharge in accordance with an NPDES Permit. Treatment includes primary

Specific Chemical Identity. Claimed confidential. Generic name provided: Substituted-(substituted-alkenyl)-heteropolycyclic salt.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. The chemical will be a minor constituent in a commercial article. It will be incorporated in such a way to afford a very low potential for human contact.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
	(kg/yr)	
First year.....	0.03	0.06
Second year.....	0.04	0.08
Third Year.....	0.04	0.08

Physical Properties. Melting range—279–281° C with decomposition. Solubility—3% in methanol.

Toxicity Data. The manufacturer claims that this substance has no structural features associated with carcinogenicity either with or without metabolic activation.

from the activated sludge treatment and primary sedimentation are combined and incinerated in incinerators operating above 1,600°F and equipped with appropriate state certified air pollution control equipment.

A combustible waste incinerator operating above 1,600°F burns solid and liquid wastes. Flue gases pass through high energy scrubber systems. Scrubber water and ash quench water are discharged to a wastewater treatment system. Incinerators comply with applicable federal and state regulations.

PMN 80-145.

Close of Review Period. September 21, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Methyl-(substituted)-(disubstituted)-carbomonocyclo.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. The new site-limited chemical intermediate will be used to manufacture a final chemical which will be incorporated in a commercial article. The final chemical will be a minor constituent of the article. No other categories of use are being considered for the new chemical.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year.....	0.04	0.1
Second year.....	0.04	0.1
Third year.....	0.04	0.1

Physical Properties. Boiling range—95–100° C at 0.1 mm; Solubility—Soluble in toluene.

Toxicity Data. No data were submitted.

sedimentation, neutralization, secondary treatment using a high-rate activated sludge system, followed by final aeration. Sludges

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture.....	Dermal and inhalation.	1	0.5	1	0-1 ppm	0-1 ppm
Use.....	Dermal and inhalation.	1	0.1	1	0-1 ppm	0-1 ppm

Environmental Release/Disposal.

Manufacturing:

Media.....	Amount of Chemical Released (kg/yr).
Air.....	Less than 10.
Water.....	Less than 10.
Land.....	None.

Emissions of vapors and dusts are scrubbed before release to the atmosphere in accordance with applicable state regulations.

Wastewater is collected in decanting sumps where heavy layers and light layers are removed for incineration; the clarified wastewater is treated in a wastewater treatment system. Liquid wastes containing combustible organics are collected and transported to an incinerator. Solid wastes containing combustible chemicals are transported to an incinerator.

A combustible waste incinerator operating above 1,600° F burns solid and liquid wastes. Flue gases pass through high energy scrubber systems. Scrubber water and ash quench water are discharged to a wastewater treatment system. Incinerators comply with applicable federal and state regulations.

[FR Doc. 80-22040 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS 50014; FRL 1548-2]

Premanufacture Notification Information; Data Transfer to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer information contained in Premanufacture Notices (PMN's) submitted by manufacturers and importers under section 5 of the Toxic Substances Control Act (TSCA) to its contractor, Walk, Haydel & Associates, Inc. of New Orleans, Louisiana. Some of this information may be claimed to be confidential. Walk, Haydel & Associates will review, analyze, and report to EPA on manufacturing and processing methods, chemical use, exposure, and environmental release information contained in PMN's.

DATE: The transfer of data submitted in PMN's and claimed to be confidential will occur no sooner than 5 working days after publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Toll-free: (800-426-9065), In Washington, D.C.: (554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, manufacturers and importers of chemical substances are required to submit PMN's for new chemical substances that they intend to manufacture or import and that are not included in EPA's Initial Inventory of Chemical Substances. To evaluate the information in these PMN's, EPA will require the assistance of outside experts. EPA has selected Walk, Haydel & Associates of New Orleans, Louisiana to assist it in evaluating potential risks associated with the manufacture, processing, distribution in commerce, use and disposal of new chemical substances. Walk, Haydel & Associates will also assist EPA in evaluating the effectiveness and cost of control options to minimize exposure or environmental

release of new chemical substances (Contract No. 68-01-6065).

Pursuant to 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to Walk, Haydel & Associates. Under the terms of the contract, EPA will provide Walk, Haydel & Associates with information submitted in PMN's on chemical identity, product formulation, and specific processes use to manufacture or process new chemical substances, as well as other information related to the uses, release rates, and exposure levels of new chemical substances. If any PMN information is claimed to be confidential, reports prepared by Walk, Haydel & Associates dealing with this Confidential Business Information will be treated as confidential. After evaluating the information in a PMN, Walk, Haydel & Associates will return the PMN and any reports prepared by Walk, Haydel & Associates to EPA.

Since Walk, Haydel & Associates will review information claimed to be confidential, EPA is publishing this Notice to inform all submitters of PMN's that Walk, Haydel & Associates will receive Confidential Business Information from EPA.

Walk, Haydel & Associates is legally required under the terms of its contract not to reveal to anyone outside its organization the fact that EPA has requested a review of any PMN submission. Walk, Haydel & Associates also is legally required to safeguard from any unauthorized disclosure the PMN's and any information generated during Walk, Haydel & Associates' review. Walk, Haydel & Associates' contract specifically prohibits disclosure of any of this information to any third party in any form without written authorization from EPA.

Walk, Haydel & Associates has been authorized under the EPA TSCA Confidential Business Information Security Manual to have access to Confidential Business Information. EPA has approved Walk, Haydel & Associates' security plan. EPA's Office of Inspector General has conducted the required inspection of the Walk, Haydel & Associates facilities and has found them to be in compliance with the requirements of the Security Manual. Walk, Haydel & Associates is required to handle in accordance with this Manual all PMN's and any reports prepared by Walk, Haydel & Associates that contain information claimed to be confidential.

Dated: July 16, 1980.

Walter W. Kovalick, Jr.,

Acting Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-22044 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-10003; FRL 1548-4]

TSCA Chemical Assessment Series; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of "Preliminary Risk Assessment, Phase I: Benzidine, Its Congeners, and Their Derivative Dyes and Pigments," in the *TSCA Chemical Assessment Series*.

FOR FURTHER INFORMATION CONTACT: INFORMATION FOR OR COMMENTS ON VOLUMES: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460.

FOR ORDERING: Industry Assistance Office, U.S. Environmental Protection Agency, 401 "M" Street SW. (TS-799), Washington, D.C. 20460, Toll Free: (800-424-9065), Washington, D.C.: (554-1404).

SUPPLEMENTARY INFORMATION: Reports developed by scientists in EPA's Office of Pesticides and Toxic Substances (OPTS), in the course of implementing provisions of the Toxic Substances Control Act (TSCA), are being published in the *TSCA Chemical Assessment Series*.

The chemical risk assessment process performed in OPTS is sequential; chemical problems are evaluated in greater detail at each succeeding stage of the process. Preliminary screens of submitted or published data set priorities and directions for further information gathering and evaluations; detailed evaluations support decisions on the need for testing or control regulations under TSCA.

A decision to perform a Preliminary Risk Assessment (Phase I assessment) of a chemical is based on a Chemical Hazard Information Profile (CHIP) or its equivalent. "Preliminary Risk Assessment, Phase I: Benzidine, Its Congeners, and Their Derivative Dyes" assesses the risk to health and the environment presented by benzidine and three of its congeners: o-tolidine, dianisidine, and dichlorobenzidine and by dyes and pigments derived from these compounds. Benzidine, o-tolidine, dianisidine, and dichlorobenzidine are used almost entirely in the production of

dyes and pigments used to color textiles, paper, leather, rubber, plastic products, printing inks, paints, and lacquers.

Comments

Because the chemical assessment published in the *TSCA Chemical Assessment Series* often will reflect initial or intermediate steps in EPA's evaluation of a chemical under TSCA, the Agency welcomes the submission of additional information for or comments on its evaluations. Such submissions will be considered either at a subsequent step in the assessment of the subject chemical or in the decision not to proceed with further evaluation. All information for or comments on this volume should bear the identifying docket number OPTS 10003.

Ordering

The Industry Assistance Office (IAO) in OPTS is distributing the TSCA Chemical Assessment Series. IAO is maintaining two mailing lists: a subscription list of persons who want to receive all volumes in the Series and a notification list of persons who want to receive announcements of individual volumes as they become available.

Persons on the subscription list automatically receive the volumes in the Series. A copy will be sent to the manufacturers of a volume's subject chemical substance, known to OPTS through the public TSCA Chemical Substances Inventory. Requests for a volume can be made by persons on IAO's notification list by telephoning the IAO (toll-free 800-424-9065 or, in Washington, D.C., 554-1404) or writing to IAO at the address given here.

Generally, five thousand copies of each volume will be printed. After this supply is exhausted, copies can be purchased from the National Technical Information Service (NTIS), whose "PB" reference number can be found in the OPTS "Comprehensive List of Scientific and Technical Reports," also available from IAO.

Dated: July 16, 1980.

Warren R. Muir,

Deputy Assistant Administrator, Office of Testing & Evaluation, Office of Pesticides & Toxic Substances.

[FR Doc 80-22042 Filed 7-22-80; 8:45 am]

BILLING CODE 6560-01-M

ACTION: Notice.

SUMMARY: EPA is denying an application for exemption from the premanufacture notification (PMN) requirements of section 5 of the Toxic Substances Control Act (TSCA) for the test marketing of carbamic acid, bis (methoxy methyl)-, isopropyl ester because the Agency does not have sufficient information to make the finding that the manufacture of this chemical for test marketing purposes would not present an unreasonable risk of injury to health or the environment. This is the Agency's first denial of an application for exemption from PMN requirements for test marketing purposes.

FOR FURTHER INFORMATION CONTACT:

Ann Radosevich, Notice Review Branch, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 426-2601.

SUPPLEMENTARY INFORMATION

CONTRACT: Under section 5(a) of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for a commercial purpose must submit a premanufacture notice (PMN) to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the required contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit such applicants to manufacture or process new chemical substances for test marketing purposes. To grant an exemption, the Agency must find, pursuant to section 5(h)(1)(A), that the test marketing activities will not present any unreasonable risk of injury to health or the environment. Section 5(h)(6) provides that EPA must either approve or deny the application within 45 days of its receipt and must publish a notice of its decision in the Federal Register. If EPA grants a test marketing exemption, it may, pursuant to section 5(h)(1)(B),

impose restrictions on the test marketing activities.

EPA may deny an exemption application if (1) it finds that the subject chemical substance will pose an unreasonable risk of injury to health or the environment or, (2) if the Agency lacks sufficient information to make the finding that the test marketing activities will not pose any unreasonable risk during test marketing activities. This exemption is denied because EPA lacks sufficient information to find that the test marketing of the subject substance will not pose an unreasonable risk to health or the environment. This is the Agency's first denial of a test marketing exemption application.

On May 1, 1980 EPA received an application from the Proctor Chemical Company, Inc. of Salisbury, North Carolina (Proctor) for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The substance for which the exemption application was submitted is carbamic acid, bis(methoxy methyl)-, isopropyl ester. EPA acknowledged receipt of the application in the Federal Register on May 27, 1980 (45 FR 35417).

In its application, the manufacturer stated it intended to produce up to 200 pounds of the new substance as part of a mixture for sale to a maximum of ten customers. The manufacturer intended to conduct the test marketing program for a 90-120 day period following approval of the exemption.

In its application, Proctor estimated that a maximum of 50 people would be exposed to the new chemical for up to 2 hours per person during test marketing. In the manufacturing stage exposure may occur during packaging. The manufacturer would ship the mixture in an aqueous solution. Processing workers would transfer the solution from the shipping container to a vessel for dilution. Exposure at this point would be limited to one person per site. Workers in the mixing area typically wear gloves, aprons, and safety glasses. After dilution the solution would be transported to its application point in a closed system. During application one or two workers may be exposed to the new chemical if equipment fails.

Proctor did not provide any information on the use of the substance, or on the magnitude or type of exposures that might occur during manufacture and processing. Further, the company provided no information on environmental release, consumer exposure, and disposal of the substance, and no other information, e.g., on use from which such information could be derived.

[FRL 1538-4; OPTS/59023A]

Carbamic Acid, BIS (Methoxy Methyl)-, Isopropyl Ester; Denial of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

The manufacturer stated that no data are known on the health and environmental effects of the chemical. The manufacturer indicated that it does not know the physical and chemical properties of the carbamic acid, bis(methoxy methyl)-, isopropyl ester because it is formed *in situ* and is not isolated.

In order to approve an exemption of a new chemical for test marketing purposes, EPA must make an affirmative finding that test marketing of the substance will not present an unreasonable risk of injury to health or the environment; it is not sufficient that EPA find only that it has no evidence to indicate that there will be an unreasonable risk. In making such an affirmative finding, the Agency will consider information on the likely toxicity of the chemical, its physical and chemical properties, and on exposure of the substance to humans or the environment, including information on method of processing and manufacturing, use, worker and consumer exposure, environmental release, disposal and other factors.

As indicated above, the application provided no information on the toxicity of the substance, and little information on exposure. While the absence of information in the application does not by itself constitute a basis for a denial, it clearly hinders the Agency's ability to make the necessary findings especially because EPA has only 45 days in which to determine whether there is an adequate basis for finding that there will be no unreasonable risk. If EPA has significant uncertainty at the end of the review period concerning the risk presented by test marketing due to lack of information on toxicity or exposure, the Agency will not approve an application. In this case, EPA can not make a finding of no unreasonable risk merely on the basis of the relatively low production volume, given the lack of information on toxicity and exposure. Therefore, the Agency is denying this request for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture this substance for test marketing purposes.

As a result of this decision, Proctor Chemical Company may not commence manufacture/import of carbamic acid, bis(methoxy methyl)-, isopropyl ester for test marketing purposes. Proctor or any other person who intends to manufacture this substance for test marketing purposes may submit another application for exemption at any time, but should include additional information and data sufficient to establish that the production of the new

substance for test marketing purposes will not pose an unreasonable risk to health and the environment. Unless an exemption is granted, no person may commence manufacture of the substance for non-exempt commercial purposes unless he has complied with section 5(a) by submitting a premanufacture notice as described in section 5(d)(1).

Dated: July 11, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-22053 Filed 7-22-80; 8:45 am]
BILLING CODE 5650-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each notice.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

First State Banking Corporation, Miami, Florida (mortgage banking activities; Florida): to engage, through its subsidiary, First State Mortgage Company, in making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from offices in Altamonte Springs, Florida serving the State of Florida. Comments on this application must be received by August 13, 1980.

B. Federal Reserve Bank of Minneapolis (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

Fischer Corporation, Lewiston, Minnesota (finance activities; Minnesota): to engage in making and acquiring loans and other extensions of credit to persons, corporations or other business entities. These activities would be conducted from Applicant's main office in Lewiston, Minnesota, and would serve the area within a 50 mile radius of such office. Comments on this application must be received by August 10, 1980.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Loveland Securities, Inc., Loveland, Colorado (credit-related insurance activities; Colorado): to continue to engage in the sale of life and accident and health insurance directly related to extensions of credit by The Home State Bank, Loveland, Colorado, which activities were previously commenced *de novo*. These activities would be conducted from an office in Loveland, Colorado, serving an area within a 60 mile radius of Loveland, Colorado. Comments on this application must be received by August 11, 1980.

D. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, July 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22058 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Bushton Investment Co.; Proposed Retention of Insurance Activities

Bushton Investment Company, Hays, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in general insurance activities in a community that has a population not exceeding 5,000. These activities would be performed from

offices of Applicant's subsidiary in Hays, Kansas, and the geographic area to be served is within a twenty mile radius of Hays, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 14, 1980.

Board of Governors of the Federal Reserve System, July 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22029 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Colfax Bancorporation; Formation of Bank Holding Company

Colfax Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.1 percent of the voting shares of The First National Bank in Colfax, Colfax, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of

Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 15, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22027 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Continental Bancshares, Inc.; Formation of Bank Holding Company

Continental Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 88.85 per cent of the voting shares of Bank of Texas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 15, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22024 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Commercial Banc-Corp; Acquisition of Bank

Commercial Banc-Corp, Monroe, Wisconsin has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 46.5 per cent of the voting shares of The Commercial and Savings Bank, Monroe, Wisconsin, that were acquired in violation of Section 3 of the Bank Holding Company Act. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22026 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Durant Bancorp, Inc.; Formation of Bank Holding Company

Durant Bancorp, Inc., Durant, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Durant Bank & Trust Company, Durant, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22023 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Exchange Bancshares, Inc. of St. Paul; Formation of Bank Holding Company

Exchange Bancshares, Inc. of St. Paul, St. Paul, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12

U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Exchange State Bank of St. Paul, St. Paul, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 17, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-22022 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Jenks America, Inc.; Formation of Bank Holding Company

Jenks America, Inc., Jenks, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.1 percent or more of the voting shares of Bank of Commerce, Jenks, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than August 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-22019 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Sterling Bankshares, Inc.; Formation of Bank Holding Company

Sterling Bankshares, Inc., Tecumseh, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94 per cent of the voting shares of Bank of Sterling, Sterling, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-22023 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Tecumseh Bankshares, Inc.; Formation of Bank Holding Company

Tecumseh Bankshares, Inc., Tecumseh, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.42 percent of the voting shares of Johnson County Bank, Tecumseh, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than August 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 17, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-22021 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

Vidor Bancshares, Inc.; Formation of Bank Holding Company

Vidor Bancshares, Inc., Vidor, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Vidor State Bank, Vidor, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than August 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 17, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-22020 Filed 7-22-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt and Approval of Report Proposal

A request for a six-month extension of the recordkeeping and reporting requirements contained in the Interim Regulatory Program was received from the Office of Surface Mining, Department of the Interior, by the Regulatory Reports Review Staff, GAO on June 30, 1980. The purpose of publishing this notice is to inform the public of such receipt and action taken by GAO.

Office of Surface Mining

The Office of Surface Mining, Department of the Interior requested a six-month blanket extension of the recordkeeping and reporting requirements contained in 30 CFR 710,

715, 716, 717, 718, 720, 725, 735, 795, and 837.

The OSM requested an extension because on July 25, 1979, the U.S. District Court of the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs until March 3, 1980. The review of each State program is scheduled by the submission date, and the Secretary of the Interior is to make his decision within ten months from the date of submission. For those State programs submitted on March 3, 1980, the Secretary must make his decision by January 3, 1981. However, OSM failed to consider the repercussion this action has upon the need to extend its reporting and recordkeeping requirements contained in the subject Parts which expired June 30, 1980.

The GAO agreed to accept OSM's request for a six-month blanket extension due to this situation and reviewed the request under 10.9(d) of its regulations which allows special handling of submissions. On July 18, 1980, the GAO granted a blanket six-month extension to December 31, 1980, for the recordkeeping and recording requirements for 30 CFR 710, 715, 716, 717, 718, 720, 725, 735, 795, and 837 under number B-190462 (R0493), (R0494), (R0495), (R0496), (R0497), (R0498), (R0499), (R0500), (R0501), and (R0502). Any further request for an extension of these clearances must be submitted to GAO not later than November 15, 1980.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-22059 Filed 7-22-80; 8:45 am]

BILLING CODE 1610-01-M

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on July 17, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes that title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number; if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses.

Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before August 11, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of revisions to 10 CFR Part 35, Human Uses of Byproduct Material. The revisions include new § 35.14(b)(4)(iv) which requires NRC medical licensees to record results of tests to verify that out-of-limit radiopharmaceuticals were not administered to humans. Such administration will cause unnecessary radiation exposure to patients. The records of the molybdenum breakthrough tests will be used by NRC inspectors to verify that tests were conducted and that out-of-limits radiopharmaceuticals were not administered. The revisions also include new §§ 35.42, 35.43 and 35.44 which require that licensees keep records of all misadministrations to patients; promptly report to NRC, the referring physician and the patient or responsible relative or guardian all therapy misadministrations; and report diagnostic misadministrations quarterly to NRC. The prompt report is a telephone report within 24 hours of the event, followed by a written report within 15 days to those previously notified by telephone. The report must contain the individual's name, a brief description of the event, the effect on the patient, and action taken to prevent recurrence. The follow-on written report of the therapy administration to NRC and the quarterly report to NRC on diagnostic misadministration must contain the same information with the exception of the names of the patients. The recordkeeping requirements in §§ 35.21 through 35.25 which require teletherapy licensees to perform periodic full calibration and spot check measurements on each teletherapy unit used to treat patients and to maintain records of these measurements for review by NRC inspectors were submitted by NRC and cleared by GAO in January 1979 and NRC is requesting an extension without change of these sections. The NRC estimates that potential respondents are approximately 2,500 licensees and that the recordkeeping requirements in § 35.14(b)(4)(iv) will require 0.5 minutes

per test. The recordkeeping and reporting requirements contained in §§ 34.42, 35.43 and 35.44 will require 4 hours per therapy misadministration report; 1 hour per misadministration for recordkeeping; and 2.5 hours per quarterly misadministration diagnostic report. The burden for the recordkeeping requirements contained in §§ 35.21 through 35.25 will average 3 hours annually.

Norman F. Heyl.

Regulatory Reports Review Officer.

[FR Doc. 80-22059 Filed 7-22-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary of Health and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committees:

Designation: Basic Behavioral Processes Research Review Committee

Purpose: The Basic Behavioral Processes Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants, cooperative agreements, postdoctoral research fellowships, and research contract projects relating to experimental and physiological psychology and comparative behavior. These include research activities in the following areas: learning and learning theory, conditioning, memory, perceptual and sensorimotor processes, behavior genetics, animal behavior, ethology-ecology, and non-central nervous system behavioral physiology.

Designation: Basic Psychopharmacology and Neuropsychology Research Review Committee

Purpose: The Basic Psychopharmacology and Neuropsychology Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants, cooperative agreements, postdoctoral research

fellowships, and research and development contract projects relating to basic psychopharmacology and neuropsychology. Basic psychopharmacology research includes mostly preclinical studies of the mechanisms of action and behavioral effects of psychoactive drugs, the development of better psychotropic drugs and drug screening methods. Neuropsychology research includes studies dealing with effects of alteration of the nervous system on various behavioral processes including sleep, learning, memory, performance and motivation. Neuropsychology also encompasses research which studies the effects that changing the environment or experience has on the structure and function of the nervous system.

Designation: Basic Sociocultural Research Review Committee

Purpose: The Basic Sociocultural Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants and cooperative agreements, postdoctoral research fellowships, and research and development contract projects relating to the social science areas relevant to mental health, including sociological, anthropological, and social psychological research in such areas as culture and personality, cross-cultural factors, socialization, family structure, social structure and dynamics, social and cultural change, ethnolinguistics and sociolinguistics, group behavior, social perception and attitudes, and social deviancy.

Designation: Cognition, Emotion, and Personality Research Review Committee

Purpose: The Cognition, Emotion, and Personality Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants and cooperative agreements, postdoctoral fellowships, and research and development contract projects relating to personality, cognition, and higher mental processes. These include research activities in the following areas: the assessment and development of emotion; the relation between emotion and individual traits, physiological and cognitive processes; the assessment and analysis of techniques for emotional control, infant behavior; the cognitive control of physiological processes; personality structure and dynamics, personality development; perception-personality relationships; interpersonal relations; human problem solving; thinking; intelligence; decision making; concept

formation; creativity; psycholinguistics and communication; and methodology involved in each of the above.

Designation: Epidemiologic and Services Research Review Committee

Purpose: The Epidemiologic and Services Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants and cooperative agreements, research fellowships, institutional research training grants, and research and development contract projects relating to mental health epidemiology, quantitative mental health services research, and services development, evaluation methodology, and knowledge transfer. These include research and research training activities in the following areas: 1) assessing community mental health/mental illness status in terms of incidence, prevalence, and mortality; 2) describing the natural history and identifying syndromes of particular diseases in the community; 3) conducting epidemiologic studies to identify etiologic factors of mental health/mental disorder in different groups in terms of inheritance, experience, behavior, and environment; 4) evaluating the utilization and impact, and assessing the need, supply, costs, and financing of mental health resources and services; 5) studying mental health/mental service systems interactions; 6) testing alternative mental health service delivery solutions; and 7) developing knowledge transfer, evaluation, and knowledge diffusion and utilization methods.

Designation: Psychopathology and Clinical Biology Research Review Committee

Purpose: The Psychopathology and Clinical Biology Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants and cooperative agreements, research fellowships, institutional research training grants, and research and development contract project applications relating to psychopathology and clinical biology. These include activities in the following areas: problems of etiology, description, diagnosis, and classification of mental disorders; proposals may be designed to study natural and experimental designs and models, data reduction and analytic procedures; biological, familial and environmental risks factors; biological and genetic mechanisms; environmental, group and family processes and factors, and long-term course and prevention of mental disorders.

Designation: Treatment development and Assessment Research Review Committee

Purpose: The Treatment Development and Assessment Research Review Committee advises the Secretary and the Director, National Institute of Mental Health on the scientific and technical merit of applications for research grants and cooperative agreements, research fellowships, institutional research training grants and research and development contract project applications relating to treatment development and assessment research. These include research and research education on: psychological, psychosocial and/or behavioral treatments of effective and behavioral disturbances, neuroses, psychophysiological and psychotic disorders; and studies to develop and assess psychopharmacological, biological and physical treatments for the range of mental disorders and serious pathological reactions to stress.

Authority for these committees will expire on June 30, 1982, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 16, 1980.

Gerald L. Klerman, M.D.,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc 80-22015 Filed 7-22-80; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Center for Disease Control

Cooperative Agreements for Nutrition Surveillance Systems; Program Announcement; Availability of Funds

The Center for Disease Control announces the availability of funds for cooperative agreements for Nutrition Surveillance Systems. These cooperative agreements are authorized by Section 301(b)(3) of the Public Health Service Act (42 U.S.C. 241(b)(3)), as amended. The Catalog of Federal Domestic Assistance is No. 13.283.

The objective of these cooperative agreement programs is to assist States in developing, implementing, and managing nutrition surveillance as an integral aspect of their service-delivery programs. These programs primarily provide services to the underserved and needy. The official health agencies of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Trust Territories of the Pacific Islands, the Commonwealth of the Northern Mariana

Islands, and American Samoa, or any local health agency (with the concurrence of its State health agency) are eligible to apply for a cooperative agreement. Applicants must establish and maintain surveillance of the nutritional status of high-risk individuals participating in service delivery programs, establish a framework for development and coordination of a comprehensive system, and develop procedures to insure accuracy and uniformity in collection of data.

It is estimated that \$400,000 will be available in fiscal year 1981 for support of multiple cooperative agreements, with individual cooperative agreements ranging from \$25,000 to \$100,000. Nutrition surveillance cooperative agreements will be awarded with priorities for:

1. Areas proposing to initiate and establish nutrition surveillance systems;
2. Areas currently conducting nutrition surveillance but proposing to enhance their system by broadening the data base and/or improving the quality of data submitted by service delivery programs; and

3. Areas currently conducting nutrition surveillance but requiring assistance to manage and process their own data.

Programs are funded for 12 months with a 3-year project period. Continuation awards within the project period will be made on the basis of satisfactory progress in meeting program objectives. Funding estimates outlined above are subject to change.

During fiscal year 1981, funding criteria will include the following factors:

1. Innovativeness and soundness in describing how the nutrition surveillance program will be planned, implemented, and managed;
2. The degree of prior experience with nutrition surveillance and accomplishments, gaps, and/or problems;
3. Desired or anticipated impact on State or local programs;
4. Interagency and/or program coordination and participation;
5. Procedures for assuring uniformity in data collection and designing and implementing quality control procedures;
6. Long-term commitment to capacity building;
7. Procedures for evaluating progress toward program objectives and for modifying procedures as necessary; and
8. Qualifications of proposed and/or existing staff and the organization and the location of responsibility for the program.

There will be two annual review cycles with cut off dates on October 31, and May 31 of each calendar year. Applications for funds should be submitted on or before one of these dates. Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Guidelines, application forms, and information may be obtained from, and applications must be submitted to: Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Center for Disease Control, 255 E. Paces Ferry Rd., NE, Atlanta, Georgia 30305.

Dated: June 25, 1980.

William H. Foege, M.D.,

Director, Center for Disease Control.

[FR Doc. 80-22065 Filed 7-22-80; 8:45 am]

BILLING CODE 4110-86-M

Public Health Service

Privacy Act of 1974; New Routine Uses to Notices of Systems of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of proposal to add two routine uses to five systems of records which are maintained by the National Institute for Occupational Safety and Health, Center for Disease Control.

SUMMARY: In accordance with requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to add two routine uses to five systems of records maintained by the National Institute of Occupational Safety and Health, Center for Disease Control. PHS invites interested persons to submit comments on the proposed routine uses on or before August 22, 1980.

DATES: The Center for Disease Control will adopt the proposed routine uses without further notice unless PHS receives comments within the 30-day comment period which would result in a contrary determination.

ADDRESS: Comments should be addressed to: Director, National Institute for Occupational Safety and Health, Center for Disease Control, U.S. Public Health Service, Department of Health and Human Services, Room 8-05, 5600 Fishers Lane, Rockville, Maryland 20857. Comments received will be available for inspection from 8:00 a.m.-4:30 p.m., Monday through Friday in Room 8-30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Darlene Christian, Privacy Act Coordinator, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 8-48, Rockville, Maryland 20857, (301) 443-4220.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services, Center for Disease Control, National Institute for Occupational Safety and Health, proposes to add two routine uses to the Privacy Act System Notices listed below.

1. No. 09-20-0147 "DSHEFS Occupational Health Epidemiological Studies" HHS/CDC/NIOSH.
2. No. 09-20-0149 "DRDS General Industry Morbidity Studies" HHS/CDC/NIOSH.
3. No. 09-20-0150 "DRDS Morbidity Studies in Coal Mining Activities" HHS/CDC/NIOSH.
4. No. 09-20-0154 "DRDS Medical and Laboratory Studies" HHS/CDC/NIOSH.
5. No. 09-20-0155 "DRDS Morbidity Studies in Metal and Non-Metal Mining Activities" HHS/CDC/NIOSH.

These routine uses will further the public health interest by allowing NIOSH to notify State Cancer Registries of any indications of cancer discovered in NIOSH studies. Any indications of communicable diseases will also be reported to State and/or local health departments to allow data to be collected on disease incidence and possible follow up by State and local authorities.

The programs of the Division of Respiratory Disease Studies (DRDS) and the Division of Surveillance, Hazard Evaluation and Field Studies (DSHEFS) are established to investigate occupationally related diseases, including cancer, and to determine the causes and prevention of such diseases. During epidemiologic studies, program officials review large numbers of employment records and medical records on current and former employees in various industries to determine the relationships between occupational exposure to suspected carcinogens and the incidence of cancer and other chronic diseases. In the course of gathering data for these programs, researchers have found indications of cancer and communicable diseases in some individuals.

By providing indications of cancer to States which maintain cancer registries, and indications of certain communicable disease to States which have programs for maintaining records on these diseases, NIOSH can improve the public health. State cancer registries are used as surveillance tools for investigating correlations between cancer illness or

death and possible causative factors such as occupational history.

State registries of communicable diseases are also used as surveillance tools for investigation of factors such as communicable disease incidence. NIOSH believe that cancer registries and communicable disease registries are important to research and should be supported by providing information to improve their value. It is possible in some cases to request individual consent before transferring information to a State and this is what NIOSH has tried to do in the past. However, in many cases the individual can not be located in order to request consent.

Currently, the "routine uses" section of the Privacy Act system notices which pertain to these studies (HHS/CDC/NIOSH 09-20-0147, 0149, 0150, 0154, and 0155) do not specifically provide for giving names and demographic data to cancer registries nor health departments without the individual's consent. Accordingly, the proposed routine uses set forth below are considered to be in the best interests of protecting the public health.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

The proposed routine use is limited to providing information to States which have legally constituted programs. This is done because these States also have established their own privacy and security programs.

The five system notices to which these proposed routine uses would apply are republished in their entirety below. These notices will be further updated to reflect the Department's new name and to incorporate other minor changes at the time of the 1980 annual publication of all of the agency's Privacy Act system notices.

Dated: July 15, 1980.

Jack N. Markowitz,
Acting Director, Office of Management.

09-20-0147

SYSTEM NAME:

DSHEFS Occupational Health
Epidemiological Studies, HEW/CDC/
NIOSH

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Division of Surveillance, Hazard
Evaluation, and Field Studies (DSHEFS),
National Institute for Occupational
Safety and Health (NIOSH) 4676
Columbia Parkway Cincinnati, Ohio
45226

Federal Records Center, Dayton Ohio
Southwest Ohio Regional Computer
Center, Medical Sciences Building,
University of Cincinnati, Cincinnati,
Ohio 45202

In addition, data is occasionally at
field work sites and contractor sites as
studies are developed, data collected
and reports written. A list of field and
contractor sites where individually
identifiable data is currently located is
available upon request to the System
Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Industrial workers exposed to
physical and/or chemical agents that
may damage the human body in any
way. Some examples are: 1) organic
carcinogens, 2) inorganic carcinogens, 3)
mucosal or dermal irritants, 4) fibrogenic
materials, 5) acute toxic agents
including sensitizing agents, 6)
neurotoxic agents, 7) mutagenic (male
and female) and teratogenic agents, 8)
bio-accumulating noncarcinogen agents,
and 9) chronic vascular disease causing
agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical exams, sputum cytology
results, questionnaires, demographic
information, smoking history,
occupational histories, previous and
current employment records, urine test
records, X-rays, medical history,
pulmonary function test records,
medical disability forms, blood test
records, drivers license data, hearing
test results, spirometry results. The
specific types of records to be collected
and maintained are determined by the
needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301
(42 U.S.C. 241), Occupational Safety and
Health Act Sections 20 (29 U.S.C. 669);
Coal Mine Health and Safety Act
Section 501 (30 U.S.C. 951).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual.

Records may be released to the
Department of Justice or other

appropriate Federal Agencies in
defending claims against the U.S. when
the claim is based upon an individual's
mental or physical condition and is
alleged to have arisen because of
activities of the Public Health Service in
connection with such individual.
(Appendix B, Department Regulations,
(45 CFR Part 5b), item 100).

Portions of records (name, social
security number if known, date of birth,
and last known address) may be
disclosed to one or more other sources
selected from those listed in Appendix I,
as applicable. This may be done solely
for obtaining a determination as to
whether or not an individual has died.
The purpose of determining death is so
that NIOSH may obtain death
certificates, which state the cause of
death, from the appropriate Federal,
State or local agency. Cause of death
will enable NIOSH to evaluate whether
excess occupationally related mortality
is occurring.

In the event of litigation where one of
the parties is (a) the Department, any
component of the Department, or any
employee of the Department in his or
her official capacity; (b) the United
States where the Department determines
that the claim, if successful, is likely to
directly affect the operations of the
Department or any of its components; or
(c) any Department employee in his or
her individual capacity where the
Justice Department has agreed to
represent such employee, the
Department may disclose such records
as it deems desirable or necessary to the
Department of Justice to enable that
Department to effectively represent such
party, provided such disclosure is
compatible with the purpose for which
the records were collected.

Test data which would indicate the
existence of cancer may be provided to
the State Cancer Registry where the
State has a legally constituted cancer
registry program which provides for the
confidentiality of information.

Certain communicable diseases may
be reported to State and/or local Health
Departments where the State has a
legally constituted reporting program for
communicable diseases and which
provides for the confidentiality of the
information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files, computer files, card
files, microfilm, microfiche, and other
files as appropriate.

RETRIEVABILITY:

The purpose of these studies is to evaluate mortality and morbidity of occupationally-related diseases: to determine the cause and prevention of disease of industrial origin, and lead toward future prevention of occupationally-related diseases. Name, assigned number, plant name, year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

SAFEGUARDS:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24 hour guard service, password protection of computerized records, limited access to only authorized personnel. For computerized records, safeguards are in accordance with Part 6, ADP Systems Security, of the HEW/ADP Systems Manual. Two or more of the safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Records will be maintained from three to twenty years in accordance with retention schedules. Every attempt will be made to strip personal identifiers from records and destroy the records when they are no longer needed. Any paper records which are disposed of will be shredded or burned and computer tapes will be erased.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO),
DSHEFS,
F-1, 4676 Columbia Parkway,
Cincinnati, Ohio 45226

NOTIFICATION PROCEDURE:

To determine if a record exists write to: Director, DSHEFS, F-1, 4676 Columbia Parkway, Cincinnati, Ohio 45226

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably

specify the record contents being sought. (These access procedures are in accordance with Department Regulations 45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

Vital status information is obtained from Federal, State and local Governments and other available sources selected from those listed in Appendix I. Information is obtained directly from the individual and employer records, whenever possible.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None
APPENDIX I Potential Sources for Determination of Vital Status
Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of: Assistance Payments (Welfare), Social Services, Medical Services,
Food Stamp Program, Child Support, Board of Corrections, Aging,
Indian Affairs, Workman's Compensation, Disability Insurance
Retail Credit Association Follow up
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension of employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0149

SYSTEM NAME: DRDS General Industry Morbidity Studies, HEW/CDC/NOISH

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for

Occupational Safety and Health (NIOSH), Morgantown, West Virginia 26505.

In addition, data is occasionally at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100).

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape, cards, and printouts, microfiche; X-rays; and manual files.

RETRIEVABILITY:

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

24 hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms, and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505

NOTIFICATION PROCEDURE:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505

An individual who requests notification of or access to a medical record shall, (1) at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) provide the name of the study if known, (3) provide the approximate date and place of treatment or questionnaire administration. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6)).

RECORD ACCESS PROCEDURES:

Same as notification procedures. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0150

SYSTEM NAME:

DRDS Morbidity Studies in Coal Mining Activities, HEW/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites, as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data, spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 9511); Section 203 (30 U.S.C. 843); Occupational Safety and Health Act Section 20 (29 U.S.C.A 669).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, 45 CFR Part 5b, item 100).

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) The United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Some data is sent to the Mining Enforcement and Safety Administration, Department of the Interior to report incidence of pneumoconiosis.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays, and manual files.

RETRIEVABILITY:

The purpose of this system is to investigate occupationally-related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntary basis, may occasionally be used for data retrieval.

SAFEGUARDS:

24 hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, (1) designate in writing a responsible representative who will be willing to review the records and inform the subject individual of its contents at the representative's discretion, (2) name the study, if known, (3) name the industrial plants, location of the plant, and approximate date of treatment or questionnaire administration, if known. Notification procedures for medical records are in accordance with Department Regulations (45 CFR, Section 5b.6).

RECORD ACCESS PROCEDURES:

Same as notification procedures. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0154

SYSTEM NAME:

DRDS Medical and Laboratory Studies, HEW/CDC/NIOSH

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have had physical examinations at DRDS or who have had biochemical tests done on various samples submitted to DRDS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Analysis of biochemical data, occupational and medical histories, and results of medical tests. The specific types of records to be collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951), Occupational Safety and Health Act Section 20 (29 U.S.C. 669), Occupational Safety and Health Act Section 22(d) (29 U.S.C. 671(d)); Federal Coal Mine Health and Safety Act Section 427(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100).

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

The purpose of this system is to perform medical and epidemiological research, statistical analyses, and to identify early indicators of occupationally-related diseases (biochemical indices). Data is given to other NIOSH units for biochemical and epidemiological studies. Name and case number are the indices used to retrieve records from this system.

SAFEGUARDS:

24 hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes

and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Project Management Officer, DRDS NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Director, DRDS NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0155

SYSTEM NAME:

DRDS Morbidity Studies in Metal and Non-Metal Mining Activities, HEW/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute For Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites at studies are developed, data collected, and reports written. A list of field and

contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at mining operations other than coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Public Health Service Act Section 301 (42 U.S.C. 241).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR, Part 5b), item 100).

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifiers are some of the indicies used to retrieve records from this system. Social security numbers, supplied on a voluntary basis, may occasionally be used for data retrieval.

SAFEGUARDS:

24 hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, and as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing

computer tapes and burning or shredding paper material.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

Vital status information is obtained from Federal, State and local Governments and other available sources. Information is obtained from the individual and from employer records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-22060 Filed 7-22-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice for Publication; F-19154-1 and F-19154-15]

Alaska Native Claims Selections

This decision approves for conveyance certain lands in the vicinity of Noorvik, Alaska to NANA Regional Corporation, Inc.

On July 11, 1974, NANA Regional Corporation, Inc. filed selection

application F-19154-1, as amended, and on November 14, 1974, filed selection application F-19154-15 under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1616(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands, in the vicinity of Noorvik. The application excluded several water bodies as being navigable. As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, the beds of these water bodies are considered selected.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 38,387 acres, are considered proper for acquisition by NANA Regional Corporation, Inc. and are hereby approved for conveyance pursuant to Sec. 14(c) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

T. 16 N., R. 12 W.

Secs. 1 and 2, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 3 to 8, inclusive, all;

Secs. 9, 10 and 11, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 12 and 13, all;

Secs. 14 to 20, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;

Sec. 21, excluding Native allotment F-17271 and the interconnecting sloughs and channels of the Kobuk River;

Secs. 22 and 23, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 24 and 25, all;

Sec. 26, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 27 and 28, excluding Native allotment F-17271 and the interconnecting sloughs and channels of the Kobuk River;

Secs. 29, 30 and 31, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 32, 33 and 34, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 35 and 36, all;

Containing approximately 21,202 acres.

T. 17 N., R. 13 W.

Sec. 1, all;

Secs. 4 and 5, excluding Potoniek Lake;

Sec. 6, excluding Native allotment F-17283 Parcel B, Potoniek Lake, Nulvororok Lake

and the interconnecting sloughs and channels of the Kobuk River;

Sec. 7, excluding Nulvororok Lake and the interconnecting sloughs and channels of the Kobuk River;

Secs. 8 and 9, all;

Secs. 12 and 15, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;

Sec. 16, all;

Sec. 17, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 18 and 19, excluding Native allotment F-17250 Parcel A and the interconnecting sloughs and channels of the Kobuk River;

Secs. 20 to 24, excluding the interconnecting sloughs and channels of the Kobuk River;

Sec. 25, all;

Sec. 26, excluding Native allotment F-13830 Parcel B and the interconnecting sloughs and channels of the Kobuk River;

Sec. 27, excluding Native allotments F-13830 Parcel B, F-13988 and the interconnecting sloughs and channels of the Kobuk River;

Sec. 28, excluding Native allotment F-13988 and the interconnecting sloughs and channels of the Kobuk River;

Sec. 29, excluding Native allotments F-13830 Parcel A, F-17625 and the interconnecting sloughs and channels of the Kobuk River;

Sec. 30, excluding Native allotments F-13830 Parcel A, F-17625, F-17252 and the interconnecting sloughs and channels of the Kobuk River;

Sec. 31, excluding the interconnecting sloughs and channels of the Kobuk River;

Sec. 32, excluding Native allotment F-13830 Parcel A and the interconnecting sloughs and channels of the Kobuk River;

Sec. 33, excluding the interconnecting sloughs and channels of the Kobuk River;

Sec. 34, all;

Sec. 35, excluding Native allotments F-13990 Parcel C, F-14384 Parcel C and the interconnecting sloughs and channels of the Kobuk River;

Sec. 36, excluding Native allotment F-14384 Parcel C.

Containing approximately 17,125 acres.
Aggregating approximately 38,387 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case files F-22361-1 and F-22361-15, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals,

snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

(EIN 1 C3, C5, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the west boundary of Sec. 31, T. 16 N., R. 13 W., Kateel River Meridian, northeasterly to the east boundary of Sec. 25, T. 18 N., R. 10 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

NANA Regional Corporation, Inc. is entitled to conveyance of a minimum of 731,242 acres of land selected pursuant to Sec. 12(c) of ANCSA. Together with the lands herein approved, approximately 40,947 acres of this entitlement have been approved for conveyance; the remaining entitlement will be conveyed at a later date.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Potoniek Lake;
Nulvororok Lake;
Interconnecting sloughs and channels of the Kobuk River.

There are numerous other water bodies and waterways which are tidally influenced. Local information indicates that the range line between 11 W. and 12 W. (Kateel River Meridian) approximates the tidal influence limit. The extent of tidal influence will be determined at the time of survey.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published in the Federal Register and once a week, for four (4) consecutive weeks, in the Tundra Times. Any party claiming a

property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 22, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

NANA Regional Corporation, Inc., P.O. Box 49, Kotzebue, Alaska 99752

Terry R. Hassett,
Acting Chief, Branch of Adjudication.

[FR Doc. 80-22082 Filed 7-22-80; 8:15 am]

BILLING CODE 4310-84-M

[Notice for Publication F-14910-A, F-14910-B and F-14910-D through F-14910-I]

Alaska Native Claims Selections

This decision approves lands located in the vicinity of Noorvik for conveyance to NANA Regional Corporation, Inc.

On January 3, 1974 Putoo Corporation filed selection applications F-14910-A, as amended and F-14910-B and F-14910-D through F-14910-I on November 14, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Noorvik, Alaska.

Putoo Corporation in its applications excluded several bodies of water.

Because certain of these water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act.

Section 12(a) and 43 CFR 2651.4(b) and (c) provide that the village corporation shall select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries. For these reasons the water bodies which were improperly excluded are considered selected.

On April 16, 1976, in accordance with Title 10, Chapter 05 of the Alaska Business Corporation Act, and as authorized by Public Law 94-204, Sec. 30 (89 Stat. 1148), the following Native village corporations and NANA Regional Corporation, Inc. merged, with NANA Regional Corporation, Inc. being the surviving corporation:

Akuliak Incorporated (Selawik);
Buckland Nunachik Corporation (Buckland);
Deering Ipnatchiak Corporation (Deering);
Ivisapaagmiit Corporation (Ambler);
Isingmakmeut Incorporated (Shungnak);
Katyak Corporation (Kiana);
Kivalina Sinuakmeut Corporation (Kivalina);
Koovukmeut Incorporated (Kobuk);
Noatak Napaaktukmeut Corporation (Noatak);
Putoo Corporation (Noorvik).

Section 14(f) of ANCSA states that where the surface estate is conveyed pursuant to Sec. 14(a), the subsurface estate will be conveyed to the regional corporation in which the lands are located. As surviving corporation, NANA Regional Corporation, Inc. will receive title to both the surface and subsurface estates in the lands conveyed pursuant to Sec. 14(a).

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 126,279 acres, is considered proper for acquisition by NANA Regional Corporation, Inc., as successor in interest to Putoo Corporation, and is hereby approved for

conveyance pursuant to Secs. 14(a) and 14(f) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

T. 17 N., R. 10 W.

Secs. 1 and 2, all;
Secs. 3 to 7, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 8, all;
Secs. 9, 10 and 11, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 12, excluding U.S. Survey 5166 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 13, excluding U.S. Survey 5166;
Secs. 14 and 15, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 16 and 17, all;
Secs. 18, 19 and 20, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 21, 22, 23 and 28, all;
Secs. 29, 30 and 31, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 32 and 33, all.

Containing approximately 16,758 acres.

T. 15 N., R. 11 W.

Sec. 3, all;
Sec. 4, excluding Native allotment F-16025 Parcel C;
Sec. 5, all;
Sec. 6, excluding Native allotments F-13981 Parcel C, F-14222 Parcel B and the interconnecting sloughs and channels of the Kobuk River;
Secs. 7 to 10, inclusive, all;
Secs. 17 and 18, excluding Native allotment F-13202;
Secs. 19 and 20, all.

Containing approximately 7,233 acres.

T. 16 N., R. 11 W.

Secs. 1, 2, and 3, all;
Secs. 4 to 9, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 10 to 15, inclusive, all;
Secs. 16 to 20, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 21, excluding Native allotment F-16034 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 22, excluding Native allotment F-16034;
Secs. 23 to 26, inclusive, all;
Sec. 27, excluding Native allotment F-16034 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 28, excluding Native allotments F-16034, F-16036 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 29, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 30, excluding Native allotment F-13983 and the interconnecting sloughs and channels of the Kobuk River;
Secs. 31 and 32, excluding Native allotments F-13983, F-17264 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 33, excluding the interconnecting sloughs and channels of the Kobuk River;

Secs. 34, 35 and 36, all.

Containing approximately 20,215 acres.

T. 17 N., R. 11 W.

Secs. 1 to 7, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 8, all;
Secs. 9 to 12, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 13, all;
Secs. 14, 15 and 16, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 17, all;
Secs. 18, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 19 to 22, inclusive, all;
Secs. 23, 24 and 25, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 26 and 27, excluding U.S. Survey 5069 and the interconnecting sloughs and channels of the Kobuk River;
Secs. 28 to 31, inclusive, all;
Secs. 32 and 33, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 34 and 35, excluding U.S. Survey 5069 and the interconnecting sloughs and channels of the Kobuk River;
Secs. 36, excluding the interconnecting sloughs and channels of the Kobuk River;
Containing approximately 21,322 acres.

T. 18 N., R. 11 W.

Secs. 25, 26 and 27, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 34, 35 and 36, excluding the interconnecting sloughs and channels of the Kobuk River;
Containing approximately 3,430 acres.

T. 15 N., R. 12 W.

Sec. 1, excluding Native allotment F-13981 Parcels A and B and the interconnecting sloughs and channels of the Kobuk River;
Sec. 2, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 3, all;
Secs. 4 to 8, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 9 and 10, all;
Secs. 11 and 12, excluding Native allotments F-14222 Parcel A, F-17265 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 13, all;
Secs. 14 and 15, excluding Native allotment F-16357 Parcel B and the interconnecting sloughs and channels of the Kobuk River;
Secs. 16 to 20, inclusive, all;
Sec. 21, excluding Native allotment F-16357 Parcel A and the interconnecting sloughs and channels of the Kobuk River;
Sec. 22, excluding Native allotment F-16357 Parcel B and the interconnecting sloughs and channels of the Kobuk River;
Sec. 23, excluding Native allotment F-16357 Parcel B;
Secs. 24 and 27, all;
Secs. 28 and 29, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 30, excluding Native allotment F-16032;

Sec. 31, Native allotments F-16032, F-13985 Parcel A and the interconnecting sloughs and channels of the Kobuk River;
Secs. 32 and 33, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 34, all.

Containing approximately 17,363 acres.

T. 17 N., R. 12 W.

Secs. 1, 2 and 3, all;
Secs. 4 and 5, excluding Native allotment F-16356;
Sec. 6, all;
Sec. 7, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 8 and 9 excluding Native allotment F-16356 and the interconnecting sloughs and channels of the Kobuk River;
Secs. 10 to 16, inclusive, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 17, excluding Native allotment F-17276 and the interconnecting sloughs and channels of the Kobuk River;
Secs. 18, 19 and 20, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 21 to 28, inclusive all;
Secs. 29, 30 and 31, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 32 to 36, inclusive, all.

Containing approximately 21,202 acres.

T. 16 N., R. 13 W.

Secs. 1 and 2, all;
Sec. 3, excluding Native allotment F-13990 Parcel C and the interconnecting sloughs and channels of the Kobuk River;
Sec. 4, excluding Native allotment F-14162 and the interconnecting sloughs and channels of the Kobuk River;
Secs. 5 and 6, all;
Sec. 7, excluding Native allotment F-13990 Parcel B and the interconnecting sloughs and channels of the Kobuk River;
Sec. 8, excluding Native allotment F-14384 Parcel A and the interconnecting sloughs and channels of the Kobuk River;
Sec. 9, excluding Native allotments F-14162; F-14384 Parcel A and the interconnecting sloughs and channels of the Kobuk River;
Sec. 10, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-13198 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 14, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 15, excluding Native allotment F-14384 Parcel B and the interconnecting sloughs and channels of the Kobuk River;
Sec. 16, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 17 and 18, excluding Native allotment F-13823 Parcel A and the interconnecting sloughs and channels of the Kobuk River;
Sec. 19, Native allotments F-13823 Parcel B, F-17268 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 20, excluding Native allotments F-17269 and F-17284;
Sec. 21, excluding Native allotments F-13984 Parcel A, F-14001 and the

interconnecting sloughs and channels of the Kobuk River;

Sec. 22, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 23, excluding Native allotment F-13964 Parcels B and C and the interconnecting sloughs and channels of the Kobuk River;
Sec. 24, excluding Native allotment F-13962 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 25, excluding the interconnecting sloughs and channels of the Kobuk River;
Secs. 26 and 27, excluding Native allotment F-14163 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 28, excluding Native allotment F-14001 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 29, excluding Native allotment F-17284 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 30, excluding Native allotments F-13986, F-17530 and the interconnecting sloughs and channels of the Kobuk River;
Sec. 31, excluding Native allotment F-17530 the interconnecting sloughs and channels of the Kobuk River;
Sec. 32, excluding Native allotment F-14006 Parcel B and the interconnecting sloughs and channels of the Kobuk River;
Sec. 33, excluding the interconnecting sloughs and channels of the Kobuk River;
Sec. 34, all;
Secs. 35 and 36, excluding the interconnecting sloughs and channels of the Kobuk River;

Containing approximately 18,758 acres.

Aggregating approximately 126,279 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14910-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles and small all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 1 C3, C5, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the west boundary of Sec. 31, T. 16 N., R. 13 W., Kateel River Meridian, northeasterly to the east boundary of Sec. 25, T. 18 N., R. 10 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 2 C3, C5, D1) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 34, T. 17 N., R. 11 W., Kateel River Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

c. (EIN 8 C5, D1) An easement for an existing access trail, twenty-five (25) feet in width, from Noorvik Village in Sec. 27, T. 17 N., R. 11 W., Kateel River Meridian, northwesterly to site EIN 8a C3, E, located in Sec. 5, T. 17 N., R. 11 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) wide trail easement. The season of use will be limited to winter.

d. (EIN 8a C3, E) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 5, T. 17 N., R. 11 W., Kateel River Meridian, on the right bank of the Melvin Channel. The uses allowed are those listed above for a one (1) acre site.

e. (EIN 8b C4, C5, D1) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 8a C3, E, in Sec. 5, T. 17 N., R. 11 W., Kateel River Meridian, northwesterly to Ekichuk Lake.

f. (EIN 12 C5) An easement for a proposed access trail, twenty-five (25) feet in width, from the existing winter trail (EIN 1 C3, C5, D1, D9) in Sec. 35, T. 16 N., R. 13 W., Kateel River Meridian, southerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 14 C5, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Robert Curtis Memorial Airstrip in Sec. 35, T. 17 N., R. 11 W., Kateel River Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of

Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Public airport lease F-21411, containing approximately 232.35 acres, located in protracted sections 34 and 35, T. 17 N., R. 11 W., Keteel River Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation under the provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214); and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the surface estate of the lands hereinabove granted, as are prescribed in said section.

NANA Regional Corporation, Inc. for the village of Noorvik is entitled to conveyance of 138,240 acres of land selected pursuant to Sec. 12(a)(1) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 126,279 acres. The remaining entitlement of approximately 11,961 acres will be conveyed at a later date.

Within the above described lands, only the following inland water bodies are considered to be navigable:

The interconnecting sloughs and channels of the Kobuk River.

There are numerous other water bodies and waterways which are tidally influenced. Local information indicates that the range line between 11 W. and 12 W. (Keteel River Meridian) approximates the tidal influence limit. The extent of tidal influence will be determined at the time of survey.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the TUNDRA TIMES. Any party claiming a property interest in lands affected by

this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 22, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

NANA Regional Corporation, Inc., P.O. Box 49, Kotzebue, Alaska 99752

Terry R. Hassett,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-22063 Filed 7-22-80; 8:45 am]

BILLING CODE 4310-84-M

Simultaneous Oil and Gas Lease Applicants Concerning Refund of Filing Fees for Canceled Drawings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to Simultaneous Oil and Gas Lease Applicants Concerning Refund of Filing Fees for Canceled Drawings.

SUMMARY: Simultaneous oil and gas leasing was suspended by the Secretary of the Interior under Secretarial Order No. 3049 dated February 29, 1980, and was re-instituted by Secretarial Order No. 3051 dated April 7, 1980. As a result of the suspension order, some of the January and February drawings of simultaneous oil and gas leases were canceled as of March 7, 1980. Those applicants whose filing fees have not been refunded to-date may submit a

claim to the Bureau of Land Management in accordance with the procedures set forth in 4 CFR Part 31. Claims for refund shall be submitted to the Bureau of Land Management State Office to which the simultaneous oil and gas leasing application was filed. No special form is required; however, claims shall be in writing over the signature and address of the claimant or claimant's agent or attorney. A claim filed by an agent or attorney shall be supported by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant. Claims may only be filed by, or on behalf of, the actual remitter of the filing fees. The claims shall include evidence that the claimant was the remitter and is due a refund. Acceptable evidence may include a Bureau of Land Management Receipt Form 1370-20, 1371-41 or 1370-42 if the filing fee was paid in cash; a copy of the remitter's canceled check, money order, cashier's check, traveler's check or similar form of remittance. The identification numbers of each tract filed on shall be specifically listed. If the remitter filed for an applicant or applicants other than himself/herself, the name and address of the applicant(s) shall also be furnished with the claim.

Claimants have 6 years from the date the drawing was cancelled, March 7, 1980, to submit their claims; however, in order to allow as much processing time as possible, claims should be submitted within 3 months of the date of this notice. Each Bureau of Land Management State Office is handling claims independently. Due to the extremely large volume of claims to be processed in some Bureau of Land Management State Offices, prolonged delays in refunds may be experienced.

Under 31 U.S.C. 231, the False Claims Act, any person who shall make or cause to be made any claim against the Government of the United States, knowing such claim is false, fictitious or fraudulent, or to contain statements that are false, fictitious or fraudulent, shall forfeit and pay to the United States the sum of \$2,000, and, in addition, double the amount of damages which the United States may have sustained, together with the costs of any suit.

DATE: This notice is effective upon publication and claims should be filed on or before October 21, 1980.

FOR FURTHER INFORMATION CONTACT: Edward P. Greenberg, Bureau of Land Management, 1800 C Street, N.W.,

Washington, D.C. 20240, 202 343-3607 or 343-6743.

Arnold F. Petty,
Acting Associate Director.

[FR Doc. 80-21975 Filed 7-22-80; 8:45 am]
BILLING CODE 4310-84-M

[W-0312819]

Wyoming; Proposed Continuation of Withdrawal

July 9, 1980.

The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawal of the following public lands made by Public Land Order No. 3653 on April 20, 1965, for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 105 W.,
Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 70 acres in Sweetwater County, Wyoming.

The purpose of the withdrawal is to protect recreational values within the Fourteen-Mile Recreation Site, a highway rest area and picnic site, located approximately 14 miles north of Rock Springs, Wyoming, on U.S. Highway 187. The lands are currently segregated from all forms of appropriations under the public land laws, including location under the United States mining laws. The proposed continuation would segregate only from location under the United States mining laws.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before August 15, 1980.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before August 15, 1980. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual Sec. 2351.16B.

The authorizing officer of the Bureau of Land Management will make necessary investigations to determine

the existing and potential demands for the land and its resources and review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Harold G. Stinchcomb,
Chief, Branch of Lands and Mineral Operations.

[FR Doc. 80-22066 Filed 7-22-80; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta—Grand Isle Federal Unit Agreement No. 14-08-001-2454, submitted on July 3, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the West Delta—Grand Isle Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and

procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 10, 1980.

J. Courtney Reed,
Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-21978 Filed 7-22-80; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that ARCO Oil and Gas Company, Unit Operator of the South Pass Block 61 Field Federal Unit, Agreement No. 14-08-001-16150, submitted on July 3, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the South Pass Block 61 Field Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 1447, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised

§ 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1980.

J. Courtney Reed,

Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-21979 Filed 7-22-80; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF INTERIOR

National Park Service

Mount Rushmore National Memorial; Draft General Management Plan

Notice is hereby given that the Draft General Management Plan for Mount Rushmore National Memorial has been prepared and is available for review and comment.

The Major resource at Mount Rushmore National Memorial is the sculpture itself carved during the period from 1927 to 1941 from the southeastern face of a granite upthrust called Mount Rushmore. The sculptured busts of Presidents George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln were named the "Shrine of Democracy" by President Franklin D. Roosevelt in 1937. The memorial is listed on the National Register of Historic Places.

The general management plan is a parkwide plan for meeting the management objectives of the park. It contains both short term and long-range strategies for resources management, visitor use, and development in compliance with National Park Service management policies, applicable legislative and executive requirements, in accordance with resource capabilities and limitations, and in recognition of public concerns.

Anyone wishing additional information and/or copies of the draft plan should contact Superintendent, Mount Rushmore National Memorial, Keystone, South Dakota 57751.

Copies of the draft plan may also be reviewed at the National Park Service, Rocky Mountain Regional Office, P.O. Box 25287, 655 Parfet, Lakewood, Colorado.

The 30-day review period is August 1, 1980, to September 2, 1980. Any comments should be submitted to the Superintendent of Mount Rushmore National Memorial at the above address by the end of the review period.

Dated July 11, 1980.

Harold P. Danz,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 80-22091 Filed 7-22-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request or oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal. Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after July 23, 1980 except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems; unresolved fitness questions; questions involving possible unlawful control, or improper division of operating rights) that each applicant has demonstrated, in

accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14395F, filed May 16, 1980. REDWING CARRIERS, INC. (Redwing) (8515 Palm River Road, Tampa, FL 33601)—Purchase—INTERSTATE VAN LINES, INC. (Interstate) (5801 Rolling Road, Springfield, VA 22151).

Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006.

Redwing seeks authority to purchase the interstate operating rights of Interstate, Wyle Laboratories, Inc., a non-carrier (128 Maryland Street, El Segundo, CA 90245), and in turn, Frank S. Wyle, who is the major stockholder of Wyle Laboratories, seek authority to acquire control of said rights through the transaction.

The operating rights sought to be purchased are contained in Certificate

Nos. MC-1745 and MC-1745 (Sub-Nos. 6 and E-1) which collectively authorize the transportation of *household goods*, as defined by the Commission, over irregular routes, (1) between points in AL, GA, TN, NC, SC, VA, FL, LA, MS, AR, KY, OH, MI, WV, MD, PA, NY, NJ, DE, IL, IN, CT, MA, and the District of Columbia; (2) between points in MA, on the one hand, and, on the other, points in NH, RI, VT, and ME; and (3) between points in AL, GA, TN, NC, SC, VA, FL, LA, MS, AR, KY, OH, MI, WV, DC, MD, PA, DE, IL, IN, and MA, on the one hand, and, on the other, points in NH, RI, VT, and ME; and (4) between points in CT and NJ, on the one hand, and, on the other, points in VT, NH and ME.

Redwing currently performs common carrier operations pursuant to its authority in No. MC-111045 and subnumbers thereunder. (Hearing site: Washington, DC.)

Note.—Redwing also seeks to purchase authority currently being sought by Interstate in No. MC-1745 (Sub-Nos. 9 and 10). Redwing should file a Petition for Substitution of applicant in these pending subnumbers.

MC-F-14360, filed April 3, 1980. INTERSTATE VAN LINES, INC. (Interstate) (5801 Rolling Road, Springfield, VA 22152)—Purchase—SMYTH VAN LINES, INC. (Smyth) (P.O. Box 3020, Bellevue, WA 98009) (The Bank of California, N.A. of San Francisco, CA, a secured creditor)

Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006.

Interstate seeks to purchase the interstate operating rights of Smyth. IVL Corporation, a non-carrier, and Arthur E. Morrisette, also of Springfield, VA, who control Interstate, seek authority to acquire control of said rights through the transaction. The operating rights to be purchased are contained in Certificate Nos. MC-14786 and MC-14786 (Sub-Nos. 11, 12, 17 and E-1) which collectively authorize the transportation of (1) *household goods*, as defined by the Commission, over irregular routes, between points in the United States (including HI, but excluding AK), (2) *empty household goods shipping containers*, over irregular routes, between points in the United States (including AK and HI), (3) *cash registers and parts therefor and adding and computing machines* from points in AL, CO, CT, DE, FL, GA, IA, KS, KY, LA, MD, MA, MN, MS, MO, NE, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WI, and DC to Dayton, OH, (4) *bakery equipment, dishwashers, scales and parts thereof and foodmixing and cutting machines* from points in AL, CO, CT, GA, IL, IA, KY, MD, MA, MI, MN, MO, NE, TN, VA,

WI, and DC to Troy and Dayton, OH, (5) *new and used store and office furniture and fixtures*, uncrated, from Portland, OR, to points in CA from San Francisco, CA, to points in OR and WA; and from Los Angeles, CA, to Portland, OR, and (6) *new and used store and office fixtures*, uncrated, from San Francisco, CA, to points in MT, via Portland, OR. Interstate is a motor common carrier of household goods, as defined by the Commission, over irregular routes, pursuant to certificate MC-1745 and sub-numbers thereunder. (Hearing site: Washington, DC.)

Note.—(1) Application has been filed for temporary authority. (2) Interstate is affiliated with regulated freight forwarder Interstate International which holds authority in FF-357.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20070 Filed 7-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 22]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority; Notice

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave will must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where

the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 3256 (Sub-2) (M1F) (Notice of Petition to modify a permit) filed January 14, 1980. Petitioner: BURKAM BROTHERS, INC., 386 Henderson St., Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *contract carrier* permit in MC-3256 Sub-2, issued February 8, 1974, authorizing operations, over irregular routes, of *paper, paper products*, and *products* used in the manufacture of paper (except liquid commodities, in bulk, and commodities, which because of size or weight, require the use of special equipment), between Hillside, NJ, on the one hand, and, on the other, points in that part of New York, NY Commercial zone as defined in *Commercial Zones and Terminal Areas*, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, NY, points in NJ, and Philadelphia, PA, and points in Fairfield County, CT, under continuing contract(s) with Rothesay Shipping, Ltd., of Saint John, New Brunswick, Canada, Riegel Products Corporation, of New York, NY, and Rexham Corporation, of Charlotte, NC. By the instant petition, petitioner

seeks to modify the territorial description so as to read: "between Hillside, Hughesville, Flemington, Milford, Reiglesville, Warren Glen, NJ, on the one hand, and, on the other, points in that part of the New York, NY Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, NY, points in NJ and CT, and Philadelphia, PA, under continuing contract(s) with Federal Paper Board Co., of Versailles, CT, Rothesay Shipping, Ltd., of Saint John, New Brunswick, Canada, Riegel Products Corporation, of New York, NY, and Rexham Corporation, of Charlotte, NC.

MC 61977 (Sub-12) (M1F) (Petition for modification of certificate) filed April 18, 1980. Petitioner: ZERKLE TRUCKING COMPANY, a Corporation, 2400 8th Ave., P.O. Box 5628, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Petitioner holds a motor common carrier authority in MC-61977 Sub-12, issued June 18, 1980, authorizing transportation, over irregular routes, of *glass containers and closures* for containers, from the facilities of Kerr Glass Manufacturing Corporation, at or near Huntington, WV, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. By the instant petition, petitioner seeks to modify the territorial description so as to read: "from facilities, manufacturers, and warehouses, at or near Huntington, WV, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX".

MC 61977 (Sub-14) (M1F) (Notice of filing of petition to modify territorial description) filed April 18, 1980. Petitioner: ZERKLE TRUCKING COMPANY, an Ohio Corporation, 2400 Eighth Ave., P.O. Box 5628, Huntington, WV 25703. Representative: John M. Friedman, 2900 Putnam Ave., Hurricane, WV 25526. Petitioner holds a motor common carrier authority in Certificate No. MC-61977 Sub-14F, issued October 4, 1979, authorizing transportation, over irregular routes, of *glass containers, and closures* for glass containers, from Vienna, WV to points in IL, IN, KY, MA, MD, NJ, NY, PA, and RI. By the instant petition, petitioner seeks to modify the territorial description so as to read: From Vienna, WV, to points in MD, MA, PA, NJ, NY, RI, IL, IN, and KY. Service is authorized from Vienna, WV, to Huntington, WV for the purpose of storage-in-transit privileges on

shipments destined to the above named states.

MC 63417 (Subs-57 and 171) (M1F) (Notice of filing of petition to modify and combine certificates), filed January 3, 1980. Petitioner: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Petitioner holds motor common carrier authority in MC 63417 Subs 57 and 171, issued July 10, 1975 and April 3, 1979, respectively, authorizing operations, over irregular routes, (A) in MC 63417 Sub 57, of *bathroom and plumbing fixtures, parts, attachments, and accessories*, from Evansville and Rockport, IN, to points in AL, GA, KY, MA, MS, NC, SC, TN, VA, WV, and DC; and (B) in MC 63417 Sub 171, of (1) *plumbing supplies, vanities, and vanity cabinets*, (except commodities in bulk), from the facilities of Peerless Pottery, Inc. and Peerless Plastics Industries, at Evansville, IN, and the facilities of Rockport Sanitary Pottery, Inc., at Rockport, IN, to points in the U.S. (except AL, AK, GA, HI, KY, MD, MS, NC, SC, TN, VA, WV, and DC), restricted to the transportation of traffic originating at the named origin facilities; and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), from points in the U.S. (except AK and HI), to the facilities of Peerless Pottery, Inc. and Peerless Plastic Industries, at Evansville, IN, and the facilities of Rockport Sanitary Pottery, Inc., at Rockport, IN, restricted to the transportation of traffic destined to the named destination facilities. By the instant petition, petitioner seeks to combine the authority in MC 63417 Subs 57 and 171 so as to read: "(1) plumbing supplies, vanities, and vanity cabinets, (except commodities in bulk), and iron or steel products, from Evansville and Rockport, IN, to points in the U.S. (except AK and HI), and (2) materials and supplies used in the manufacture of the commodities in (1) above, (except commodities in bulk, and those requiring special equipment); from points in the U.S. (except AK and HI), to Evansville and Rockport, IN".

MC 65916 (M1F) (Notice of filing of petition to modify a certificate), filed May 20, 1980. Petitioner: WARD TRUCKING CORP., Ward Tower, Altoona, PA 16603. Representative: Zane R. Johnsonbaugh (same address as applicant). Petitioner holds a motor common carrier certificate in MC 65916, issued July 26, 1949, authorizing transportation, over regular routes, as pertinent, of *general commodities*,

(except those of unusual value, and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Blairsville, PA and New York, NY: from Blairsville over U.S. Hwy 22 to Armagh, PA, then over PA Hwy 56 to Johnstown, PA, then over PA Hwy 53 to Cresson, PA, then over U.S. Hwy 22 via Somerville, NJ, to junction U.S. Hwy 1, and then over U.S. Hwy 1 to New York, and return over the same route, with service authorized to and from all intermediate points except those between Harrisburg, PA and Phillipsburg, NJ, and with service at Phillipsburg and points east thereof, including NY, restricted to traffic moving to or from Harrisburg and points west thereof, including Blairsville and (2) between Cumberland, MD and New York, NY: from Cumberland over U.S. Hwy 40 to Hagerstown, MD, then over U.S. Hwy 11 to Harrisburg, PA, then over U.S. Hwy 230 to Lancaster, PA, then over U.S. Hwy 30 to Philadelphia, PA, then over U.S. Hwy 1 to New York, and return over the same route, with service authorized to and from all intermediate points east of Trenton, NJ, including Trenton. By the instant petition, petitioner seeks to modify the authority as follows: to authorize service to and from all intermediate points on routes (1) and (2) described above and to and from all points in NJ and PA as off-route points in connection with routes (1) and (2) described above.

MC 69116 (Sub-97) (M1F), (Notice of filing of petition to modify territorial description), filed June 19, 1980. Petitioner: SPECTOR FREIGHT SYSTEM, INC. d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603. Petitioner holds motor common carrier authority in Certificate No. MC 69116 Sub 97, issued September 7, 1967, authorizing transportation, over irregular routes, of *general commodities*, except packinghouse products as defined in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment, (a) from points in Erie County, NY to points in Genesee, Monroe, Niagara, and Orleans Counties, NY, (b) from points in Niagara County, NY, to points in Erie County, NY, (c) between points in Erie County, NY, and (d) between points in Niagara County, NY. By the instant petition, petitioner

seeks to modify the territorial description so as to read: Between points in Erie, Genesee, Monroe, Niagara and Orleans Counties, NY.

MC 69116 (Sub-118) (M1F), [Notice of filing of petition to modify certificate], filed June 11, 1980. Petitioner: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603. Petition holds a motor *common carrier*, certificate in MC 69116 Sub 118, authorizing transportation, as pertinent over regular and irregular routes, of *general commodities*, except classes A and B explosives, liquids in bulk, motion picture films and commodities requiring special equipment, between Chicago, IL, and Cairo, IL, serving the intermediate and off-route points of Effingham, Mattoon, and Champaign, IL, restricted to northbound traffic for delivery only, those on U.S. Hwy 51 between Sandoval and Cairo, IL, including Sandoval, those on U.S. Hwy 37, south of Salem, IL, including Salem, and those in the Chicago, IL, Commercial Zone, as defined by the Commission, without restriction, as follows: (a) from Chicago over U.S. Hwy 66 to junction IL Hwy 129 (formerly portion U.S. Hwy 66), then over IL Hwy 129 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Normal, IL, then over U.S. Hwy 51 to Cairo, and return over the same route, and (b) from Chicago over U.S. Hwy 54 to Kankakee, IL, then over U.S. Hwy 45 to junction IL Hwy 37, then over IL Hwy 37 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Cairo, and return over the same route. By the instant petition, petitioner seeks to modify the above territory so as to read: Between Chicago, IL, and Cairo, IL, serving the junction of U.S. Hwys 45 and 36 for purposes of joinder only and serving the intermediate and off-route points of Effingham, Mattoon, and Champaign, IL, those on U.S. Hwy 51 between Sandoval and Cairo, IL, including Sandoval, those on U.S. Hwy 37, south of Salem, IL, including Salem, and those in the Chicago, IL, Commercial Zone, as defined by the Commission, as follows: (a) from Chicago over U.S. Hwy 66 to junction IL Hwy 129 (formerly portion U.S. Hwy 66), then over IL Hwy 129 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Normal, IL, then over U.S. Hwy 51 to Cairo, and return over the same route, and (b) from Chicago over U.S. Hwy 54 to Kankakee, IL, then over U.S. Hwy 45 to junction IL Hwy 37, then over IL Hwy 37 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Cairo, and return over the same route.

MC 105636 (Subs-2 and 23) (M1F) (Notice of filing of petition to modify certificates), filed May 2, 1980. Petitioner: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. Petitioner holds motor common carrier authority in MC-105636 Sub 2 and MC-105636 Sub 23, issued July 23, 1962 and September 24, 1964, respectively, authorizing transportation, over irregular routes, (A) in MC-105636 Sub 2, as pertinent, of (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in foreign commerce only, (a) from points in CT, NJ, and NY within 35 miles of the Battery, New York, NY, to New York, NY, restricted to traffic having an immediately subsequent movement by motor vehicle from New York, NY to commercial airports, within 25 miles of Miami, FL, including Miami, FL, followed by a movement by air from commercial airports within 25 miles of Miami, including Miami, FL, and (b) from New York, NY, to commercial airports within 25 miles of Miami, FL, including Miami, restricted to traffic having an immediately subsequent movement by air; (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in foreign commerce only, from Chicago, IL, to commercial airports within 25 miles of Miami, FL, including Miami, restricted to traffic having an immediately subsequent movement by air; and (3) *baskets, boxes, crates and hampers* used in packing and shipping fruits and vegetables, from Murfreesboro, NC, to Delray Beach, FL, and points within 50 miles thereof, and (B) in MC-105636 Sub 23, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, foods and food products), in foreign commerce only, (a) from points in CT, NJ, and NY within 35 miles of the Battery, New York, NY, to New York, NY, restricted to traffic having an immediately subsequent movement by motor vehicle from New York, NY to commercial piers within 25 miles of Miami, FL, including Miami, and further restricted to traffic having an immediately subsequent movement by water from such commercial piers, (b) from New York, NY, to commercial piers within 25 miles of Miami, FL, including

Miami, restricted to traffic having an immediately subsequent movement by water from such commercial piers, (c) from Chicago, IL, to commercial piers within 25 miles of Miami, FL, including Miami, restricted to traffic having an immediately subsequent movement by water from such commercial piers, and (d) from points in NJ and those in DE and PA within 25 miles of Philadelphia, PA, including Philadelphia, to commercial piers and airports within 25 miles of Miami, FL, including Miami, restricted to traffic having an immediately subsequent movement by air or water from such commercial piers or airports. By the instant petition, petitioner seeks to modify the above authority: in (A) MC-105636 Sub 2 so as to read "(1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) from points in CT, NJ, and NY within 35 miles of the Battery, New York, NY, to New York, NY, restricted to traffic having an immediately subsequent movement by motor vehicle from New York, NY, to Miami, FL and points within 25 miles thereof, and (b) from New York, NY, to Miami, FL and points within 25 miles thereof, (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Chicago, IL, to Miami, FL and points within 25 miles thereof, and (3) *baskets, boxes, crates and hampers*, from Murfreesboro, NC, to Delray Beach, FL, and points within 50 miles thereof"; and in (B) MC-105636 Sub 23 so as to read "*general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in NJ and those in DE and PA within 25 miles of Philadelphia, PA, including Philadelphia, to Miami, FL and points within 25 miles thereof".

MC 109347 (Sub-18) (M1F), [Notice of filing of petition to modify territorial description], filed January 18, 1980. Petitioner: BOSS-LINCO LINES, INC., 3909 Genesee St., Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., 110 South Columbus St., Alexandria, VA 22314. Petitioner holds motor common carrier, in MC-109847 Sub 18, issued September 25, 1974, authorizing operations over alternate routes for operating convenience only, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), (1) between Mansfield, PA and Baltimore, MD, in connection with carrier's authorized regular-route operations, serving no intermediate points: from Mansfield over U.S. Hwy 15 to Harrisburg, PA, then over Interstate Hwy 83 to Baltimore, and return over the same route, and (2) between junction U.S. Hwy 219 and Interstate Hwy 80 near Du Bois, PA and Baltimore, MD, in connection with carrier's authorized regular-route operations, serving no intermediate points: from junction U.S. Hwy 219 and Interstate Hwy 80 near Du Bois, PA, over U.S. Hwy 15 to Harrisburg, PA, then over Interstate Hwy 83 to Baltimore, and return over the same route. By the instant petition, petitioner seeks to modify the above authority by including the following routes: (3) "between Johnsonburg, PA and Baltimore, MD, serving no intermediate points, for operating convenience only: from Johnsonburg over PA Hwy 255 to junction PA Hwy 153 at Penfield, PA, then over PA Hwy 153 to junction U.S. Hwy 322 at or near Clearfield, PA, then over U.S. Hwy 322 to junction U.S. Hwy 15 near Amity Hall, PA, then over U.S. Hwy 15 to junction Interstate Hwy 83, then over Interstate Hwy 83 to Baltimore, and return over the same route"; and (4) "between Johnsonburg, PA and junction U.S. Hwy 17 and U.S. Hwy 1 at Fredericksburg, VA, for operating convenience only, serving no intermediate points: from Johnsonburg over PA Hwy 255 to junction PA Hwy 153 at Penfield, PA, then over PA Hwy 153 to junction U.S. Hwy 322 at or near Clearfield, PA, then over U.S. Hwy 322 to junction U.S. Hwy 220 at Port Matilda, PA, then over U.S. Hwy 220 to junction Interstate Hwy 70 near Wolfsburg, PA (Interchange 11), then over U.S. Hwy 70 to junction U.S. Hwy 522 at or near Hancock, MD, then over U.S. Hwy 522 to junction U.S. Hwy 17 at Winchester, VA, then over U.S. Hwy 17 to junction U.S. Hwy 1 at Fredericksburg, VA, and return over the same route".

MC 114227 (Sub-10) (M1F), (Notice of filing of petition to modify a certificate), filed June 9, 1980. Petitioner: A & C CARRIERS, INC., 2909 East Laketon, Muskegon, MI 49442. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Petitioner holds a motor common carrier authority in MC-114227 Sub 10, issued October 9, 1964, authorizing transportation, over irregular routes, as pertinent, of *liquid asphalt*, in bulk, in tank vehicles, in specified areas. By the

instant petition, petitioner seeks to modify the commodity description so as to read: "petroleum and petroleum products, in bulk, in tank vehicles". The territorial description is to remain the same.

MC 123387 (M2F), MC 123387 (Sub-4 M1F), and MC 123387 (Sub-7 M1F) (Notice of filing of petition to certificates), filed May 28, 1980. Petitioner: E.E. HENRY, INC., 1128 South Military Hwy, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Petitioner holds motor common carrier authority in certificates in (1) MC-123387, issued May 9, 1975, authorizing transportation, over irregular routes, of *malt beverages*, from Norfolk, VA to points in NC, WV, MD, and DC, and from Monroe, NC, to points in VA, SC, and GA; and *empty malt beverage containers*, from the destination points specified above to their respective origin points, *malt beverages*, in containers, from Norfolk, VA, to points in NC, SC, and GA, and *empty malt beverage containers*, from points in NC, SC, and GA, to Norfolk, VA, (2) MC-123387 Sub 4, issued October 16, 1979, of *malt beverages*, from Norfolk, VA, to points in AL, FL, LA, MS, and TN and *empty malt beverage containers*, from points in AL, FL, LA, MS, and TN, to Norfolk, VA, and (3) MC-123387 Sub 7, issued December 6, 1977, of *malt beverages*, from Norfolk, VA, to points in TX, AR, PA, OH, IL, IN, WI, and MI, and *empty malt beverage bottles*, from points in TX, AR, PA, OH, IL, IN, WI, and MI, to Norfolk, VA. By the instant petition, petitioner seeks modification of the above certificates to read (1) *malt beverages*, from Newport News, VA to points in NC, WV, MD, SC, GA, AL, FL, MS, LA, TN, TX, AR, PA, OH, IL, IN, WI, MI, and DC, (2) *materials and supplies* used in the production or distribution of malt beverages, from points in NC, WV, MD, SC, GA, AL, FL, LA, MS, TN, TX, AR, PA, OH, IL, IN, WI, MI, and DC, to Newport News, VA, and (3) *malt beverages*, from Monroe, NC to points in VA, SC, and GA, and *empty malt beverage containers*, in the reverse direction.

MC 134477 (Sub-21) (M1F) (Notice of filing of petition to modify certificate), filed June 2, 1980. Petitioner: SCHANNO TRANSPORTATION, INC., P.O. Box 43496, West St. Paul, MN 55165. Representative: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. Petitioner holds authority in MC-134477 Sub 21, issued February 28, 1975, to operate as an irregular route, motor common carrier in the transportation of

general commodities, with the usual exceptions, which are moving on bills of lading of freight forwarders under Part IV, from the facilities of Central States Forwarding Corporation, Master Forwarding Corporation, National Carloading Corporation, and ABC-Trans National Transport, a Division of National Carloading Corporation, at East Hartford and Stratford, CT, Boston, MA, Elizabeth, NJ, and New York, NY, to St. Paul, MN. By the instant petition, petitioner seeks to have eliminated the following two restrictions as pertain to the transportation of traffic from Boston, MA, and New York, NY: (a) removal of the bills of lading of freight forwarders restriction, and (b) the restrictive "facilities" language cited above for the four-named freight forwarders. Thus, petitioner seeks authority to transport general commodities, with the usual exceptions, from Boston, MA, and New York, NY, to St. Paul, MN, which operations will not be limited to transportation moving on bills of lading of freight forwarders nor be limited to transportation from the facilities of the freight forwarders named above. Petitioner does not seek modification of the balance of its Sub 21 certificate which authorizes service from East Hartford and Stratford, CT, and Elizabeth, NJ, to St. Paul MN.

MC 138126 (Sub-24 (M1F) (Petition to modify certificate) filed November 11, 1979. Petitioner: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Petitioner holds motor common carrier in MC 138126 Sub 24, issued August 3, 1979, authorizing transportation, over irregular routes, of *frozen foodstuffs*, from the facilities used by Campbell Soup Company, Inc., at points in DE and MD, and that part of PA on and east of U.S. Hwy 15, to points in CT, DE, KY, MD, MA, MI, NJ, NY, OH, PA, RI, VA, WV, and DC, those in that part of TN on and east of U.S. Hwy 127, and Atlanta, GA.

By the instant petition, petitioner seeks to add Sumter, SC as a point of service to the above authority.

Republications of Grants of Operating Rights Authority Prior to Certification; Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before August 22, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 139584 (Sub-15F) (Republication) filed April 13, 1978, published in the Federal Register issue of July 27, 1978, and republished this issue. Applicant: John Busch, Box 211, Conyngham, PA 18219. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. A Decision of the Commission, Division 1, Acting as an Appellate Division, decided March 21, 1980, find that authority to operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting *scrap and salvage plastic*; (1) between points in IL, IN, MI, MO, NC, OH, and SC, on the one hand, and, on the other, points in NY and PA, and (2) between points in IL, NY, NC, OH, PA, and SC, on the one hand, and, on the other, points in FL; that applicant is fit willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to reflect service to points in MO.

Motor Carrier Operating Rights Applications; Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications *will be rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the

necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 61264 (Sub-37F), filed May 27, 1980. Applicant: PILOT FREIGHT CARRIERS, INC., A North Carolina Corporation, P.O. Box 615, Winston-Salem, NC 27102. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious and contaminating to other lading): (1) between junction Pennsylvania Hwy 228 and Interstate Hwy 76 at or near Fernway, PA and junction Interstate Hwy 76 and Interstate Hwy 70 southeast of Pittsburgh, PA, serving all intermediate points: From junction PA Hwy 228 over Interstate Hwy 76 to junction Interstate Hwy 70, and return over the same route; (2) between Pittsburgh, PA and Uniontown, PA, serving all intermediate points: From Pittsburgh over PA Hwy 51 to Uniontown, and return over the same

route; (3) between Harrisburg, PA and Philadelphia, PA, serving all intermediate points: From Harrisburg over U.S. Hwy 422 to Philadelphia, and return over the same route; (4) between West Chester, PA and Philadelphia, PA, serving all intermediate points: From West Chester over PA Hwy 3 to Philadelphia, and return over the same route; (5) between Lancaster, PA and Allentown, PA, serving all intermediate points: From Lancaster over U.S. Hwy 222 to Allentown, and return over the same route; (6) between Hereford, PA and Collegeville, PA, serving all intermediate points: From Hereford over PA Hwy 29 to Collegeville, and return over the same route; (7) between Clarks Ferry, PA and Marshalls Creek, PA, serving all intermediate points: From Clarks Ferry over PA Hwy 147 to Millersburg, PA, then over U.S. Hwy 209 to Marshalls Creek, and return over the same route; (8) between junction U.S. Hwy 209 and Pennsylvania Hwy 611 at or near Stroudsburg, PA, and junction Pennsylvania Hwy 611 and Interstate Hwy 380 at or near Tobyhanna, PA, serving all intermediate points: From junction U.S. Hwy 209 over PA Hwy 611 to junction Interstate Hwy 380, and return over the same route; (9) between Willow Grove, PA and Mechanicsville, PA, serving all intermediate points: From Willow Grove over PA Hwy 263 to Mechanicsville, and return over the same route; (10) between Pittston, PA and Tunkhannock, PA, serving all intermediate points: From Pittston over PA Hwy 92 to Tunkhannock, and return over the same route; (11) between junction Interstate Hwy 380 and Pennsylvania Hwy 435 near Scranton, PA and junction Pennsylvania Hwy 435 and Interstate Hwy 380, serving all intermediate points: From junction Interstate Hwy 380 over PA Hwy 435 to junction Interstate Hwy 380, and return over the same route; (12) between junction U.S. Hwy 209 and Pennsylvania Hwy 248 at or near Weissport, PA and Philadelphia, PA, serving all intermediate points: From junction U.S. Hwy 209 over PA Hwy 248 to junction PA Hwy 145, then over PA Hwy 145 to junction U.S. Hwy 22, then over unnumbered PA Hwy to junction PA Hwy 309 and PA Hwy 29, then over PA Hwy 309 to Philadelphia, and return over the same route; (13) between junction Pennsylvania Hwy 611 and Pennsylvania Hwy 512, at or near Mount Bethel, PA, and Center Valley, PA, serving all intermediate points: From junction PA Hwy 611 over PA Hwy 512 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 378, then over PA Hwy 378 to Center Valley, and

return over the same route; (14) between Scranton, PA and Shickshinny, PA, serving all intermediate points: From Scranton over U.S. Hwy 6 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction PA Hwy 315, then over PA Hwy 315 to junction PA Hwy 115, then over PA Hwy 115 to junction PA Hwy 309, then over PA Hwy 309 to junction unnumbered PA Hwy, then over unnumbered PA Hwy to junction PA Hwy 239, then over PA Hwy 239 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Shickshinny, and return over the same route; (15) between Scranton, PA and Philadelphia, PA, serving all intermediate points: From Scranton over PA Hwy 9 to junction Interstate Hwy 276, then over Interstate Hwy 276 to junction U.S. Hwy 422, then over U.S. Hwy 422 to Philadelphia, and return over the same route; (16) between Williamsport, PA and junction Pennsylvania Hwy 10 and U.S. Hwy 1 near Oxford, PA, serving all intermediate points: From Williamsport over PA Hwy 147 to Sunbury, PA, then over PA Hwy 61 to Reading, PA, then over Interstate Hwy 176 (also over PA Hwy 10) to Morgantown, PA, then over PA Hwy 10 to junction U.S. Hwy 1, and return over the same route; (17) between Ebensburg, PA and Somerset, PA, serving all intermediate points: From Ebensburg over U.S. Hwy 219 to junction unnumbered PA Hwy, then over unnumbered PA Hwy to Somerset, and return over the same route; (18) between Erie, PA and Charlotte, NC, serving all intermediate points: From Erie over U.S. Hwy 19 to junction U.S. Hwy 460, then over U.S. Hwy 460 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Charlotte, and return over the same route; (19) between Mercer, PA and Richmond, IN, serving all intermediate points: From Mercer over U.S. Hwy 62 to Columbus, OH, then over Interstate Hwy 10 (also over U.S. Hwy 40) to Richmond, and return over the same route; (20) between Mercer, PA and Niagara Falls, NY, serving all intermediate points: From Mercer over U.S. Hwy 62 to Niagara Falls, and return over the same route; (21) between West Springfield, PA and Danbury, CT, serving all intermediate points: From West Springfield over U.S. Hwy 6N to junction U.S. Hwy 6, then over U.S. Hwy 6 to Danbury, and return over the same route; (22) between Philadelphia, PA and Trenton, NJ, serving all intermediate points: From Philadelphia over Interstate Hwy 76 to junction NJ Hwy 42; then over NJ Hwy 42 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction U.S. Hwy 206, then

over U.S. Hwy 206 to Trenton, and return over the same route; (23) between Philadelphia, PA and Champlain, NY, serving all intermediate points: From Philadelphia over PA Hwy 73 to junction NJ Hwy 73, then over NJ Hwy 73 to junction New Jersey Turnpike, then over New Jersey Turnpike to Ridgefield Park, NJ, then over Interstate Hwy 95 to junction Interstate Hwy 87, then over Interstate Hwy 87 (also over US Hwy 9W) to Albany, NY, then over Interstate Hwy 87 (also over U.S. Hwy 9) to Champlain, and return over the same route; (24) between Great Bend, PA and junction New Jersey Hwy 17 and New Jersey Hwy 3 at or near Rutherford, NJ, serving all intermediate points: From Great Bend over U.S. Hwy 11 to Binghamton, NY, then over NY Hwy 17 to junction NJ Hwy 17, then over NJ Hwy 17 to junction NJ Hwy 3, and return over the same route; (25) between North East, PA and Boston, MA, serving all intermediate points: From North East over U.S. Hwy 20 to junction NY Hwy 17, then over NY Hwy 17 to Binghamton, NY, then over NY Hwy 7 (also over completed portions of Interstate Hwy 88) to Troy, NY, then over NY Hwy 2 to junction MA Hwy 2, then over MA Hwy 2 to Boston, and return over the same route; (26) between Harrisburg, PA and Rochester, NY, serving all intermediate points: From Harrisburg over U.S. Hwy 15 to junction NY Hwy 17, then over NY Hwy 17 to junction Interstate Hwy 390, then over Interstate Hwy 390 to junction NY Hwy 15, then over NY Hwy 15 (also over Alternate NY Hwy 15) to Rochester, and return over the same route; (27) between junction Interstate Hwy 80 and U.S. Hwy 220 near Rote, PA, and Elmira, NY, serving all intermediate points: From junction Interstate Hwy 80 over U.S. Hwy 220 to Williamsport, PA, then over U.S. Hwy 15 to Trout Run, PA, then over PA Hwy 14 to junction NY Hwy 14, then over NY Hwy 14 to Elmira, and return over the same route; (28) between Washington, PA and Baltimore, MD, serving all intermediate points: From Washington over U.S. Hwy 40 to Keyzers Ridge, MD, then over U.S. Hwy 48 (also over U.S. Hwy 40) to Cumberland, MD, then over U.S. Hwy 40 to Hancock, MD, then over U.S. Hwy 40 (also over Interstate Hwy 70) to Baltimore, and return over the same route; (29) between Washington, PA and Tuscaloosa, AL, serving all intermediate points: From Washington over U.S. Hwy 40 (also over Interstate Hwy 70) to Columbus, OH, then over U.S. Hwy 62 to Maysville, KY, then over U.S. Hwy 68 to Lexington, KY, then over U.S. Hwy 27 to Chattanooga, TN, then over U.S. Hwy 11

(also over Interstate Hwy 59) to Tuscaloosa, and return over the same route; (30) between Bradford, PA and Niagara Falls, NY, serving all intermediate points: From Bradford over U.S. Hwy 219 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 190, then over Interstate Hwy 190 to Niagara Falls (also over Interstate Hwy Connector I290 at Buffalo, NY), and return over the same route; (31) between Bradford, PA and Buffalo, NY, serving all intermediate points: From Bradford over PA Hwy 316 to junction PA Hwy 646, then over PA Hwy 646 to junction NY Hwy 16, then over NY Hwy 16 to Buffalo, and return over the same route; (32) between Towanda, PA and Alexandria Bay, NY, serving all intermediate points: From Towanda over U.S. Hwy 220 to junction NY Hwy 17, then over NY Hwy 17 to Binghamton, NY, then over NY Hwy 12 to Alexandria Bay, and return over the same route; (33) between Scranton, PA and Rouses Point, NY, serving all intermediate points: From Scranton over U.S. Hwy 11 to Rouses Point, and return over the same route; (34) between West Springfield, PA, and Wytheville, VA, serving all intermediate points: From West Springfield over U.S. Hwy 20 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction OH Hwy 21, then over OH Hwy 21 (also over Interstate Hwy 77) to junction Interstate Hwy 77 near Strasburg, OH, then over Interstate Hwy 77 to Wytheville, and return over the same route; (35) between Mt. Morris, PA and Keyzers Ridge, MD, serving all intermediate points: From Mt. Morris over Interstate Hwy 79 to junction U.S. Hwy 48, then over U.S. Hwy 48 to Keyzers Ridge, and return over the same route; (36) between Philadelphia, PA and Beaverdam, OH, serving all intermediate points: From Philadelphia over Interstate Hwy 76 to Breezewood, PA, then over U.S. Hwy 30 to Beaverdam, and return over the same route; (37) between West Alexander, PA and Avery, OH, serving all intermediate points: From West Alexander over U.S. Hwy 40 to Wheeling, WV, then over U.S. Hwy 250 to Avery, and return over the same route; (38) between West Springfield, PA and Staunton, VA, serving all intermediate points: From West Springfield over U.S. Hwy 20 to Ashtabula, OH, then over OH Hwy 11 to West Point, OH, then over OH Hwy 7 to Wheeling, WV, then over U.S. Hwy 250 to Staunton, and return over the same route; (39) between Midland, PA and Youngstown, OH, serving all intermediate points: From Midland over PA Hwy 68 to junction OH Hwy 39, then over OH Hwy 39 to junction OH Hwy 7,

then over OH Hwy 7 to Youngstown, and return over the same route; (40) between junction Interstate Hwy 79 and Interstate Hwy 80 near Mercer, PA and junction U.S. Hwy 224 and U.S. Hwy 42 near Lodi, OH, serving all intermediate points: From junction Interstate Hwy 79 over Interstate Hwy 80 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction U.S. Hwy 224, then over U.S. Hwy 224 to junction U.S. Hwy 42, and return over the same route; (41) between Ebensburg, PA and Cleveland, OH, serving all intermediate points: From Ebensburg over U.S. Hwy 422 to Cleveland, and return over the same route; (42) between Fernway, PA and Elyria, OH, serving all intermediate points: From Fernway over Interstate Hwy 76 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Elyria, and return over the same route; (43) between Pittsburgh, PA and Cleveland, OH, serving all intermediate points: From Pittsburgh over PA Hwy 60 to Beaver Falls, PA, then over PA Hwy 51 to junction OH Hwy 14, then over OH Hwy 14 to Salem, OH, then over Alternate OH Hwy 14 to Deerfield, OH, then over OH Hwy 14 to Cleveland, and return over the same route; (44) between New Castle, PA and Akron, OH, serving all intermediate points: From New Castle over U.S. Hwy 224 to Akron, and return over the same route; (45) between Pittsburgh, PA and Tuscaloosa, AL, serving all intermediate points: From Pittsburgh over U.S. Hwy 22 to Cincinnati, OH, then over Interstate Hwy 75 (also over U.S. Hwy 25) to Lexington, KY, then over U.S. Hwy 62 (also over the Blue Grass Parkway) to Elizabethtown, KY, then over U.S. Hwy 31W to Nashville, TN, then over U.S. Hwy 43 to Spruce Pine, AL, then over U.S. Hwy 43 (also over AL Hwy 13) to junction AL Hwy 18, then over U.S. Hwy 43 to Tuscaloosa, and return over the same route; (46) between Scranton, PA and Alexandria Bay, NY, serving all intermediate points: From Scranton over Interstate Hwy 81 to junction NY Hwy 12, then over NY Hwy 12 to Alexandria Bay, and return over the same route; (47) between junction Interstate Hwy 79 and Interstate Hwy 80 near Mercer, PA and New York, NY, serving all intermediate points: From junction Interstate Hwy 79 over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, and return over the same route; (48) between Washington, PA and Atlantic City, NJ, serving all intermediate points: From Washington over Interstate Hwy 70 to junction U.S. Hwy 30 near Breezewood, PA, then over U.S. Hwy 30 to Atlantic City, and return over the same route;

(49) between Scranton, PA and Danbury, CT, serving all intermediate points: From Scranton over Interstate Hwy 81 to junction Interstate Hwy 84, then over Interstate Hwy 84 to Danbury, and return over the same route; (50) between Scranton, PA and Laurel, DE, serving all intermediate points: From Scranton over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 33, then over PA Hwy 33 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Laurel, and return over the same route; (51) between Chester, PA and Kingston, NY, serving all intermediate points: From Chester over U.S. Hwy 13 to junction unnumbered PA Hwy, then over unnumbered PA Hwy to junction PA Hwy 291, then over PA Hwy 291 to junction PA Hwy 611, then over PA Hwy 611 to junction U.S. Hwy 209, then over U.S. Hwy 209 to Kingston, and return over the same route; (52) between junction Interstate Hwy 76 and Interstate Hwy 276 near Bridgeport, PA and junction Interstate Hwy 276 and New Jersey Turnpike, serving all intermediate points: From junction Interstate Hwy 76 over Interstate Hwy 276 to junction New Jersey Turnpike, and return over the same route; (53) between Erie, PA and Louisville, KY, serving all intermediate points: From Erie over Interstate Hwy 79 to Charleston, WV, then over Interstate Hwy 64 (also over U.S. Hwy 60) to Louisville, and return over the same route; (54) between Kane, PA and Washington, DC, serving all intermediate points: From Kane over PA Hwy 321 to Wilcox, PA, then over U.S. Hwy 219 to Johnsonburg, PA, then over PA Hwy 255 to Penfield, PA, then over PA Hwy 153 to Clearfield, PA, then over U.S. Hwy 322 to Philipsburg, PA, then over PA Hwy 350 to Bald Eagle, PA, then over U.S. Hwy 220 to Bedford, PA, then over U.S. Hwy 30 to Breezewood, PA, then over Interstate Hwy 70 to junction Interstate Hwy 270 near Frederick, MD, then over Interstate Hwy 270 to Washington, and return over the same route; (55) between Bradford, PA and Morgantown, WV, serving all intermediate points: From Bradford over U.S. Hwy 219 to junction U.S. Hwy 119, then over U.S. Hwy 119 to Morgantown, and return over the same route; (56) between Pittsburgh, PA and New York, NY, serving all intermediate points: From Pittsburgh over Interstate Hwy 279 (U.S. Hwy 22) to junction Interstate Hwy 376, then over Interstate Hwy 376 (U.S. Hwy 22) to junction U.S. Hwy 22, then over U.S. Hwy 22 (also over Interstate

Hwy 78) to New York, and return over the same route; (57) between Harrisburg, PA and Lucketts, VA, serving all intermediate points: From Harrisburg over U.S. Hwy 15 to Lucketts, and return over the same route; (58) between Tunkhannock, PA and Wilmington, DE, serving all intermediate points: From Tunkhannock over PA Hwy 309 to Allentown, PA, then over PA Hwy 29 to junction PA Hwy 100, then over PA Hwy 100 to West Chester, PA, then over PA Hwy 52 to junction DE Hwy 52, then over DE Hwy 52 to Wilmington, and return over the same route; (59) between New Hope, PA and Danbury, CT, serving all intermediate points: From New Hope over U.S. Hwy 202 to Danbury, and return over the same route; (60) between junction Interstate Hwy 76 and U.S. Hwy 522 near Fort Littleton, PA and Winchester, VA, serving all intermediate points: From junction Interstate Hwy 76 over U.S. Hwy 522 to Winchester, and return over the same route; (61) between Scranton, PA and Chattanooga, TN, serving all intermediate points: From Scranton over Interstate Hwy 81 (also over U.S. Hwys 11, 11W and 11E) to Knoxville, TN, then over Interstate Hwy 75 (also over U.S. Hwy 11) to Chattanooga, and return over the same route; (62) between junction Interstate Hwy 81 and Interstate Hwy 83 northeast of Harrisburg, PA and Richmond, VA, serving all intermediate points: From Harrisburg over Interstate Hwy 83 to Baltimore, MD, then over MD Hwy 3 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Richmond, and return over the same route; (63) between New Hope, PA and Suffolk, VA, serving all intermediate points: From New Hope over U.S. Hwy 202 to Wilmington, DE, then over DE Hwy 141 to junction U.S. Hwy 13, then over U.S. Hwy 13 to Suffolk, and return over the same route; (64) between Harrisburg, PA and junction U.S. Hwy 322 and New Jersey Turnpike, serving all intermediate points: From Harrisburg over U.S. Hwy 322 to New Jersey Turnpike, and return over the same route; (65) between Harrisburg, PA and junction U.S. Hwy 222 and U.S. Hwy 40 near Havre de Grace, MD, serving all intermediate points: From Harrisburg over PA Hwy 283 to Lancaster, PA, then over U.S. Hwy 222 to junction U.S. Hwy 40, and return over the same route; (66) between Pipersville, PA and junction New Jersey Hwy 541 and Interstate Hwy 295, serving all intermediate points: From Pipersville over PA Hwy 413 to junction NJ Hwy 541, then over NJ Hwy 541 to junction Interstate Hwy 295, and return over the same route; (67) between

junction Interstate Hwy 95 and Interstate Hwy 295 near Levittown, PA and Newport, DE, serving all intermediate points: From junction Interstate Hwy 95 over Interstate Hwy 295 to Newport, and return over the same route; (68) between Philadelphia, PA and Queenstown, MD, serving all intermediate points: From Philadelphia over U.S. Hwy 13 to junction U.S. Hwy 301S (also over U.S. Hwy 40 to junction U.S. Hwy 301N), then over U.S. Hwy 301S (also over U.S. Hwy 301N) to junction U.S. Hwy 301, then over U.S. Hwy 301 to Queenstown, and return over the same route; (69) between Boston, MA and Memphis, TN, serving all intermediate points: From Boston over U.S. Hwy 20 to Cleveland, OH, then over U.S. Hwy 42 to Louisville, KY, then over U.S. Hwy 31W to Elizabethtown, KY, then over U.S. Hwy 62 to junction U.S. Hwy 641, then over U.S. Hwy 641 to junction KY Hwy 58, then over KY Hwy 58 to Mayfield, KY, then over U.S. Hwy 45 to Fulton, KY, then over U.S. Hwy 51 to Memphis, and return over the same route; (70) between Boston, MA and Mobile, AL, serving all intermediate points: From Boston over Interstate Hwy 90 to Cleveland, OH, then over Interstate Hwy 71 to Louisville, KY, then over Interstate Hwy 65 to Birmingham, AL, then over Interstate Hwy 20 to junction U.S. Hwy 43, at or near Knoxville, AL, then over U.S. Hwy 43 to Mobile (also over Interstate Hwy Connectors I93 and I495 at Boston, MA; I271 at Cleveland, OH; I270 at Columbus, OH; I275 at Cincinnati, OH; I264 at Louisville, KY; and I265 at Nashville, TN), and return over the same route; (71) between Boston, MA and Alexandria, VA, serving all intermediate points: From Boston over U.S. Hwy 1 to Alexandria, and return over the same route; (72) between Boston, MA and Alexandria, VA, serving all intermediate points: From Boston over Interstate Hwy 95 (also over Interstate Hwy 695 (Baltimore Beltway) and the Harbor Tunnel Thruway at Baltimore, MD; and Interstate Hwy 495 and Interstate Hwy 395 at Washington, DC) to Alexandria, and return over the same route; (73) between Wooster, MA and Boston, MA, serving all intermediate points: From Wooster over MA Hwy 9 to Boston, and return over the same route; (74) between junction U.S. Hwy 209 and U.S. Hwy 44 at or near Kerhonkson, NY and Torrington, CT, serving all intermediate points: From junction U.S. Hwy 209 over U.S. Hwy 44 to Amenia, NY, then over NY Hwy 343 to junction CT Hwy 343, then over CT Hwy 343 to junction Ct Hwy 4, then over CT Hwy 4

to Torrington, and return over the same route; (75) between junction Interstate Hwy 87 and Alternate NY Hwy 9 and Port Chester, NY, serving all intermediate points: From junction Interstate Hwy 87 over Alternate NY Hwy 9 to Elmsford, NY, then over NY Hwy 119 to Port Chester, and return over the same route; (76) between Port Chester, NY and junction Interstate Hwy 684 and Interstate Hwy 84, serving all intermediate points: From Port Chester over Interstate Hwy 287 to junction Interstate Hwy 684, then over Interstate Hwy 684 to junction Interstate Hwy 84, and return over the same route; (77) between North Boston, NY and Hamburg, NY, serving all intermediate points: From North Boston over NY Hwy 391 to Hamburg, and return over the same route; (78) between Watertown, NY and Malone, NY, serving all intermediate points: From Watertown over NY Hwy 37 to Malone, and return over the same route; (79) between junction NJ Hwy 73 and NJ Turnpike and junction NJ Turnpike and Interstate Hwy 295, serving all intermediate points: From junction NJ Hwy 73 over New Jersey Turnpike to junction Interstate Hwy 295, and return over the same route; (80) between Corbin, KY and Asheville, NC, serving all intermediate points: From Corbin over U.S. Hwy 25E to Newport, TN, then over U.S. Hwy 25 to Asheville, and return over the same route; (81) between Maysville, KY and Georgetown, KY, serving all intermediate points: From Maysville over U.S. Hwy 62 to Georgetown, and return over the same route; (82) between Frederick, MD and Winchester, VA, serving all intermediate points: From Frederick over U.S. Hwy 340 to junction VA Hwy 7, then over VA Hwy 7 to Winchester, and return over the same route; (83) between Baltimore, MD and Edison, NJ, serving all intermediate points: From Baltimore over U.S. Hwy 40 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction NJ Hwy 18, then over NJ Hwy 18 to Edison, and return over the same route; (84) between Berlin, MD and Lawrenceburg, IN, serving all intermediate points: From Berlin over U.S. Hwy 50 to Lawrenceburg, and return over the same route; (85) between Columbus, OH and Asheville, NC, serving all intermediate points: From Columbus over U.S. Hwy 23 to Asheville, and return over the same route; (86) between Xenia, OH and Huntington, WV, serving all intermediate points: From Xenia over U.S. Hwy 68 to junction OH Hwy 73, then over OH Hwy 73 to Portsmouth, OH, then over U.S. Hwy 52 to

Huntington, and return over the same route; (87) between Cincinnati, OH and Knoxville, TN, serving all intermediate points: From Cincinnati over Interstate Hwy 75 (also over US Hwy 25) to Corbin, KY, then over Interstate Hwy 75 (also over US Hwy 25W) to Knoxville, and return over the same route; (88) between Cincinnati, OH and Paris, KY, serving all intermediate points: From Cincinnati over US Hwy 27 to Paris, and return over the same route; (89) between Columbus, OH and Toledo, OH, serving all intermediate points: From Columbus over US Hwy 23 to Toledo, and return over the same route; (90) between Akron, OH and Cleveland, OH, serving all intermediate points: From Akron over OH Hwy 8 to Cleveland, and return over the same route; (91) between West Point, OH and Salem, OH, serving all intermediate points: From West Point over OH Hwy 45 to Salem, and return over the same route; (92) between Medina, OH and Norwalk, OH, serving all intermediate points: From Medina over OH Hwy 18 to Norwalk, and return over the same route; (93) between Carey, OH and Findlay, OH, serving all intermediate points: From Carey over OH Hwy 15 to Findlay, and return over the same route; (94) between Columbus, OH and Wapakoneta, OH, serving all intermediate points: From Columbus over US Hwy 33 to Wapakoneta, and return over the same route; (95) between Huntsville, OH and Lima, OH, serving all intermediate points: From Huntsville over OH Hwy 117 to Lima, and return over the same route; (96) between Cleveland, OH and Toledo, OH, serving all intermediate points: From Cleveland over US Hwy 20 (also over Interstate Hwy 90) to Toledo, and return over the same route; (97) between Richmond, IN and Chillicothe, OH, serving all intermediate points: From Richmond over US Hwy 35 to Chillicothe, and return over the same route; (98) between Savannah, GA and Montgomery, AL, serving all intermediate points: From Savannah over US Hwy 80 (also over completed portions of Interstate Hwy 18) to Montgomery, and return over the same route; (99) between Savannah, GA and Jacksonville, FL, serving all intermediate points: From Savannah over Interstate Hwy 95 (also over US Hwy 17) to Jacksonville, and return over the same route; (100) between Swainsboro, GA and Jacksonville, FL, serving all intermediate points: From Swainsboro over US Hwy 1 to Jacksonville, and return over the same route; (101) between Macon, GA and junction Interstate Hwy 75 and US Hwy 90 at or near Lake City, FL, serving all intermediate points: From Macon over

Interstate Hwy 75 (also over US Hwy 41) to Valdosta, GA, then over Interstate Hwy 75 to junction US Hwy 90, and return over the same route; (102) between Summerville, GA and Sylacauga, AL, serving all intermediate points: From Summerville over GA Hwy 114 to junction AL Hwy 68, then over AL Hwy 68 to Cedar Bluff, AL, then over AL Hwy 9 to Piedmont, AL, then over AL Hwy 21 to Sylacauga, and return over the same route; (103) between Blakely, GA and Dothan, AL, serving all intermediate points: From Blakely over GA Hwy

From Blakely over GA Hwy 62 to junction AL Hwy 52, then over AL Hwy 52 to Dothan, and return over the same route; (104) BETWEEN CUSSETA, GA AND LAKE CITY, FL, serving all intermediate points: From Cusseta over US Hwy 280 to Richland, GA, then over GA Hwy 55 to Dawson, GA, then over US Hwy 82 to Albany, GA, then over GA Hwy 133 to Moultrie, GA, then over GA Hwy 33 to junction GA Hwy 94, then over GA Hwy 94 to Valdosta, GA, then over US Hwy 41 to Lake City, and return over the same route; (105) BETWEEN ATLANTA, GA AND DEMOPOLIS, AL, serving all intermediate points: From Atlanta over Interstate Hwy 85 (also over US Hwy 29) to Opelika, AL, then over Interstate Hwy 85 to Montgomery, AL, then over US Hwy 80 to Demopolis, and return over the same route; (106) BETWEEN ATLANTA, GA AND BIRMINGHAM, AL, serving all intermediate points: From Atlanta over Interstate Hwy 20 (also over US Hwy 78) to Birmingham, and return over the same route; (107) BETWEEN STATESBORO, GA AND FOLKSTON, GA, serving all intermediate points: From Statesboro over US Hwy 301 to Folkston, and return over the same route; (108) BETWEEN EATONTON, GA AND TIFTON, GA, serving all intermediate points: From Eatonton over US Hwy 441 to Jacksonville, GA, then over US Hwy 319 to Tifton, and return over the same route; (109) BETWEEN CALHOUN, GA AND ROME, GA, serving all intermediate points: From Calhoun over GA Hwy 53 to Rome, and return over the same route; (110) BETWEEN CORDELE, GA AND ALBANY, GA, serving all intermediate points: From Cordele over GA Hwy 257 to Albany, and return over the same route; (111) BETWEEN JACKSONVILLE, FL AND MOBILE, AL, serving all intermediate points: From Jacksonville over US Hwy 90 (also over Alternate US Hwy 90 and also over Interstate Hwy 10) to Mobile, and return over the same route; (112) BETWEEN PANAMA CITY, FL AND MOBILE, AL, serving all

intermediate points: From Panama City over US Hwy 98 to Mobile, and return over the same route; (113) BETWEEN JUNCTION INTERSTATE HWY 81 AND INTERSTATE HWY 40 AND ASHEVILLE, NC, serving all intermediate points: From junction Interstate Hwy 81 over Interstate Hwy 40 to Asheville, and return over the same route; (114) BETWEEN CHATTANOOGA, TN AND FLORENCE, AL, serving all intermediate points: From Chattanooga over US Hwy 72 to Huntsville, AL, then over US Hwy 72 (also over Alternate US Hwy 72) to Florence, and return over the same route; (115) BETWEEN LEBANON, TN AND PANAMA CITY, FL, serving all intermediate points: From Lebanon over US Hwy 231 to Panama City, and return over the same route; (116) BETWEEN CHATTANOOGA, TN AND ALACHUA, FL, serving all intermediate points: From Chattanooga over US Hwy 27 to junction US Hwy 441, then over US Hwy 441 to Alachua, and return over the same route; (117) BETWEEN KNOXVILLE, TN AND WEST MEMPHIS, AR, serving all intermediate points: From Knoxville over Interstate Hwy 40 to Nashville, TN, then over Interstate Hwy 40 (also over US Hwy 70 and Alternate US Hwy 70) to West Memphis, and return over the same route; (118) BETWEEN NASHVILLE, TN AND FORT WALTON BEACH, FL, serving all intermediate points: From Nashville over US Hwy 31 (also over Interstate Hwy 65) to Montgomery, AL, then over US Hwy 331 to Florala, AL, then over FL Hwy 85 to Fort Walton Beach, and return over the same route; (119) BETWEEN OCOEE, TN AND CULLMAN, AL, serving all intermediate points: From Ocoee over US Hwy 411 to Gadsden, AL, then over US Hwy 278 to Cullman, and return over the same route; (120) BETWEEN FLOMATON, AL AND PENSACOLA, FL, serving all intermediate points: From Flomaton over US Hwy 29 to Pensacola, and return over the same route; (121) BETWEEN BIRMINGHAM, AL AND COLUMBUS, GA, serving all intermediate points: From Birmingham over US Hwy 280 to Columbus, and return over the same route; (122) BETWEEN MONTGOMERY, AL AND MOBILE, AL, serving all intermediate points: From Montgomery over Interstate Hwy 65 to junction AL Hwy 59, then over AL Hwy 59 to Bay Minette, AL, then over US Hwy 31 to Mobile, and return over the same route; (123) BETWEEN MONTGOMERY, AL AND BAY MINETTE, AL, serving all intermediate points: From Montgomery over US Hwy 31 to Bay Minette, and

return over the same route; (124) BETWEEN HUNTSVILLE, AL AND DOTHAN, AL, serving all intermediate points: From Huntsville over US Hwy 431 to Dothan, and return over the same route; (125) BETWEEN BAT CAVE, NC AND MEMPHIS, TN, serving all intermediate points: From Bat Cave over US Hwy 64 to Memphis, and return over the same route; (126) BETWEEN MURPHY, NC AND TAMPA, FL, serving all intermediate points: From Murphy over US Hwy 19 to junction US Hwy 98, then over US Hwy 98 to Brooksville, FL, then over US Hwy 41 to Tampa, and return over the same route; (127) BETWEEN BOWLING GREEN, VA AND JUNCTION VIRGINIA HWY 207 AND US HWY 1 NEAR RUTHER GLEN, VA, serving all intermediate points: From Bowling Green over VA Hwy 207 to junction US Hwy 1, and return over the same route; (128) BETWEEN ARLINGTON, VA AND BALTIMORE, MD, serving all intermediate points: From Arlington over US Hwy 29 to Baltimore, and return over the same route; (129) BETWEEN JUNCTION US HWY 301 AND MARYLAND HWY 300 AND DOVER, DE, serving all intermediate points: From junction US Hwy 301 over MD Hwy 300 to junction DE Hwy 44, then over DE Hwy 44 to Pearson, DE, then over DE Hwy 8 to Dover, and return over the same route; (130) BETWEEN JUNCTION US HWY 50 AND MARYLAND HWY 404 AND GEORGETOWN, DE, serving all intermediate points: From junction US Hwy 50 over MD Hwy 404 to junction DE Hwy 404, then over DE Hwy 404 to junction DE Hwy 18, then over DE Hwy 18 to Georgetown, and return over the same route; (131) BETWEEN DENTON, MD AND MILFORD, DE, serving all intermediate points: From Denton over MD Hwy 404 to junction MD Hwy 313, then over MD Hwy 313 to junction MD Hwy 317, then over MD Hwy 317 to DE Hwy 14, then over DE Hwy 14 to Milford, and return over the same route; (132) BETWEEN JUNCTION INTERSTATE HWY 95/495 AND INTERSTATE HWY 295 (WASHINGTON, DC) AND BALTIMORE, MD, serving all intermediate points: From Junction Interstate Hwy 95/495 over Interstate Hwy 295 to junction MD Hwy 295, then over MD Hwy 295 to Baltimore, and return over the same route; (133) BETWEEN JUNCTION US HWY 50 AND GEORGE WASHINGTON MEMORIAL PARKWAY AND JUNCTION GEORGE WASHINGTON MEMORIAL PARKWAY AND US HWYS 29/211, serving all intermediate points: From junction US Hwy 50 over

George Washington Memorial Parkway to junction US Hwys 29/211, and return over the same route; (134) BETWEEN BALTIMORE, MD AND JUNCTION MARYLAND HWY 2 AND US HWYS 50/301, serving all intermediate points: From Baltimore over MD Hwy 2 to junction US Hwys 50/301, and return over the same route; (135) BETWEEN DOVER, DE AND POCOMOKE CITY, MD, serving all intermediate points: From Dover over US Hwy 113 to Pocomoke City, and return over the same route; (136) BETWEEN WINSTED, CT AND JUNCTION MASSACHUSETTS HWY 8 AND INTERSTATE HWY 90 AT OR NEAR EAST LEE, MA, serving all intermediate points: From Winsted over CT Hwy 8 to the CT-MA State Line, then over MA Hwy 8 to junction Interstate Hwy 90, and return over the same route; (137) BETWEEN SHERWOOD MANOR, CT AND GREENFIELD, MA, serving all intermediate points: From Sherwood Manor over US Hwy 5 (also over Interstate Hwy 91) to Greenfield, and return over the same route; (138) BETWEEN HARTFORD, CT AND JUNCTION INTERSTATE HWY 86 AND INTERSTATE HWY 90 AT INTERCHANGE #9 in MASSACHUSETTS, serving all intermediate points: From Hartford over Interstate Hwy 86 to junction Interstate Hwy 90, and return over the same route; (139) BETWEEN WILLIMANTIC, CT AND NEW BEDFORD, MA, serving all intermediate points: From Willimantic over US Hwy 6 to New Bedford, and return over the same route; (140) BETWEEN PROVIDENCE, RI AND WORCESTER, MA, serving all intermediate points: From Providence over RI Hwy 146 to the RI-MA State Line, then over MA Hwy 146 to Worcester, and return over the same route; (141) BETWEEN PROVIDENCE, RI AND JUNCTION CONNECTICUT HIGHWAYS 52 AND 138, serving all intermediate points: From Providence over US Hwy 6 to junction RI Hwy 114, then over RI Hwy 114 to junction RI Hwy 138, then over RI Hwy 138 to junction RI Hwy 4, then over RI Hwy 4 to junction RI Hwy 102, then over RI Hwy 102 to junction RI Hwy 165, then over RI Hwy 165 to junction CT Hwy 138, then over CT Hwy 138 to junction CT Hwy 52, and return over the same route; (142) BETWEEN PROVIDENCE, RI AND JUNCTION INTERSTATE HWY 95 AND CONNECTICUT HWY 184, serving all intermediate points: From Providence over RI Hwy 2 to junction RI Hwy 3, then over RI Hwy 3 to junction Interstate Hwy 95, at or near Hopkinton, RI, then over Interstate Hwy 95 to

junction CT Hwy 184, and return over the same route; (143) BETWEEN JUNCTION INTERSTATE HWY 95 AND INTERSTATE HWY 295 AT OR NEAR ATTLEBORO, MA AND JUNCTION INTERSTATE HWY 295 AND INTERSTATE HWY 95 AT OR NEAR WARWICK, RI, serving all intermediate points: From junction Interstate Hwy 95 over Interstate Hwy 295 to junction Interstate Hwy 95, and return over the same route; (144) BETWEEN BRISTOL FERRY, RI AND FALL RIVER, MA, serving all intermediate points: From Bristol Ferry over RI Hwy 24 to the RI-MA State Line, then over MA Hwy 24 to Fall River, and return over the same route; (145) BETWEEN RANGER, NC AND BLUE RIDGE, GA, serving all intermediate points: From Ranger over NC Hwy 60 to junction GA Hwy 60, then over GA Hwy 60 to junction GA Hwy Spur 60, then over GA Hwy Spur 60 to Morganton, GA, then over US Hwy 76 to Blue Ridge, and return over the same route; (146) BETWEEN DUCKTOWN, TN AND JUNCTION GA HWY 5 AND US HWY 76 NEAR BLUE RIDGE, GA, serving all intermediate points: From Ducktown over TN Hwy 68 to junction GA Hwy 5, then over GA Hwy 5 to junction US Hwy 76, and return over the same route. Serving all points in PA, AL, DE, DC, those points in FL in and west of Leon and Wakulla Counties, those points in GA on and south of US Hwy 80, MD, MA, NJ, NY, OH, RI, and TN, as off-route points in connection with carrier's operation over Routes 1 through 146 described above. (Hearing Sites: Pittsburg and Scranton, PA; Albany, NY; Richmond, VA; Charlotte, NC; Atlanta, GA; Gainesville, FL; Birmingham, AL; Nashville, TN)

MC 126764 (Sub-1F), filed March 20, 1980. Applicant: MOHAWK CARTAGE COMPANY, A Corporation, 901 W Willow St., Chicago, IL 60614. Representative: Peter J. Galiardo, 3828 N Claremont, Chicago, IL 60618. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting, *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between points in Boone, Cook, Crystal Lake, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, Lee, LaSalle, Livingston, McHenry, Will and Wonder Lake Counties, IL on the one hand, and, on the other, points in Lake, Lafayette, Elkhart, Porter and St Joseph Counties, IN, and Green, Kenosha, Lake Geneva, Milwaukee, Jefferson, Rock, Walworth, Waukesha and Washington Counties, WI. (Hearing site: Chicago, IL.)

Broker, Water Carrier and Freight Forwarder Operating Rights Application; Notice

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whereby by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

Permanent Authority Decisions Volume; Decision-Notice

Decided: July 8, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the

application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after July 23, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon

compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones. Member Jones not participating.

MC 130922F, filed May 27, 1980.
Applicant: COMPETEVENTS, INC., 7611 Natural Bridge Rd., St. Louis, MO 63121.
Representative: Larry Berres (same address as applicant). To engage in operations, in interstate or foreign commerce, as a broker, at St. Louis, MO, and Gonzales, TX, in arranging for the transportation, by motor vehicle, of passengers and their baggage, in charter and special operations, between points in the U.S., including AK and HI.
(Hearing site: St. Louis, Normandy, or Bellnor, MO.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Taucek Tours, Inc., Extension—New York, N.Y., 54 M.C.C. 291 (1952).*

Permanent Authority Decisions;
Decision-Notice Substitution
Applications: Single-Line Service For Existing Joint-Line Service

Decided: July 8, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by

applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after July 23, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the

issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before August 22, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Dowell. Member Fitzpatrick not participating.

MC 69834 (Sub-20F), filed May 27, 1980. Applicant: PRICE TRUCK LINE INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes, A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Caney, KS over U.S. Hwy 75, to Tulsa, OK, and return over the same route, serving no intermediate points. *The sole purpose of this application is to substitute single-line for joint-line operations. Applicant proposes to tack this authority with its existing regular route authority.*

MC 87103 (Sub-39F),¹ filed June 29, 1979, published in the Federal Register issue of March 25, 1980, and republished, as corrected, this issue. Applicant: MILLER TRANSFER AND

¹ Any petitions filed pursuant to the Federal Register notice of March 25, 1980, will be disregarded. All petitions must be filed pursuant to the requirements in Ex Parte No. MC-109.

RIGGING CO., P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* which, because of size or weight, require the use of special handling or special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more; (3) *such commodities* which, because of size or weight do not require the use of special handling or special equipment, when moving with the commodities in (1) above; (4) *machinery*; (5) *machine parts*; (6) *heavy machinery*; (7) *iron and steel articles*; and (8) *contractors equipment, materials, and supplies*, (a) between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, and (b) between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC; on the one hand, and, on the other, points in the U.S. (except AK and HI). The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Washington, DC.) The purpose of this publication is (a) to show substitution of single-line for joint-line operations, and (b) to add the territorial description in (a).

Note.—Dual operations may be involved.

MC 133591 (Sub-99F), filed April 1, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers*, from points in AR, IA, IL, IN, KS, KY, LA, MO, NE, and OK, to points in AZ and CA. (Hearing site: St. Louis or Kansas City, MO.)

Note.—The purpose of this application is to substitute single-line for joint-line operations.

MC 138736 (Sub-15F), filed June 16, 1980. Applicant: F B M TRUCKING, INC., Hwy 54 East, P.O. Box 513, Fayetteville, GA 30214. Representative: Dorothy Meatows (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *shears, steel working machine, plate or sheet metal bending machine parts, machine knives*, from the facilities of Wysong & Miles Co., at or near Greensboro, NC, to Phoenix, AZ, and Las Vegas, NV, and the facilities of Meyer Machinery Co., Inc. at Los Angeles and Redwood City, CA. (Hearing site: Atlanta, GA.)

Irregular-Route Motor Common Carriers of Property

Elimination of Gateway Applications

The following applications to eliminate gateways for the purpose of reducing congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before August 22, 1980. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

MC 83539 (Sub-E-609), filed May 28, 1975. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Texas 75222. Representative: Kenneth Weeks (same as above). *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) to points in FL, GA, IL, IN, IA, KS, KY, MI, MO, NC, SC, TN, VA, and WI; and (2) from points in CA to points in NE (except points in Sioux, Dawes, Scotts Bluff, Box Butte, Banner and Kimball Counties). The purpose of this filing is to eliminate the gateways of points in Utah and facilities CF&I Steel Corporation, at Pueblo, Colorado.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-21888 Filed 7-22-80; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-001]

Permanent Authority Decisions Decision-Notice

Decided: July 11, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the

Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before September 8, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision notice is effective. On or before September 22, 1980 an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 150871 (Sub-1F) filed July 3, 1980. Applicant: B.D.C. LTD., 2677 Drew Rd., Mississauga, Ontario, Canada, L4T 3W1. Representative: Sally G. Galway, P.O. Box 1975, St. Paul, MN 55111. Transporting *shipments weighing 100 pounds or less*, if transported in a vehicle in which no one package exceeds 100 pounds, between points in the United States.

MC 150871 (Sub-1F), filed July 3, 1980. Applicant: B.D.C. LTD., 2677 Drew Rd., Mississauga, Ontario, Canada, L4T 3W1. Representative: Sally G. Galway, P.O. Box 1975, St. Paul, MN 55111. Transporting *shipments weighing 100 pounds or less*, if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150871 (Sub-1F), filed July 3, 1980. Applicant: B.D.C. LTD., 2677 Drew Rd., Mississauga, Ontario, Canada, L4T 3W1. Representative: Sally G. Galway, P.O. Box 1975, St. Paul, MN 55111. Transporting *shipments weighing 100 pounds or less*, if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150871 (Sub-1F), filed July 3, 1980. Applicant: B.D.C. LTD., 2677 Drew Rd., Mississauga, Ontario, Canada, L4T 3W1. Representative: Sally G. Galway, P.O. Box 1975, St. Paul, MN 55111. Transporting *shipments weighing 100 pounds or less*, if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 80-22064 Filed 7-22-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register

publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor carriers of Property

[Notice No. F-42]

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 140484 (Sub-3-9TA), filed July 14, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., D.C. 20005. *Mist eliminators, plastic baffles, and components and accessories for cooling systems and materials, supplies and equipment* used in the manufacture and distribution of the aforesaid commodities, between Fort Myers, FL, on the one hand, and, on the other, points in OH, PA, NY, NJ, DE, WI and points in and west of MN, IA, MO, AR and LA. Supporting shipper: Munter Corporation, P.O. Box 6428, Fort Myers, FL 33901.

MC 2900 (Sub-3-13TA), filed July 11, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Common carrier: regular: General commodities (except classes A and B explosives, commodities in bulk,*

those requiring special equipment and household goods as defined by the Commission) (1) Between Dallas, TX and Los Angeles, CA over Interstate Hwy 10, (2) Between Denver, CO and Los Angeles, CA from Denver over Interstate Hwy 20 (also over U.S. Hwy 6) to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles and return over the same route, (3) Between Denver, CO and San Francisco, CA from Denver over Interstate Hwy 25 to junction Interstate Hwy 80 then over Interstate Hwy 80 to San Francisco and return over the same route, serving no intermediate points and serving the termini for the purposes of joinder only. Supporting shipper(s): There are 179 statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

Note.—Applicant seeks authority to tack with present authority and interline.

MC 59150 (Sub-3-4TA), filed July 11, 1980. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 West Duval Street, Jacksonville, FL 32202. *Iron and Steel Articles*, from Wilmington, NC, to points in AL, AR, MS, TN, VA, NC, SC, GA, FL, MD, KY and WV. Supporting shipper: Noland Company, 2700 Warwick Boulevard, Newport News, VA 23607.

MC 31675 (Sub-3-9TA), filed July 11, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234. Representative: Garland V. Moore (same as above). *Carpet, carpet samples, materials and supplies used in their manufacture*, between the facilities of E and B Carpet Mills, Inc., Dalton, Ringgold, GA and Winchester, TN, on the one hand, and on the other points in the states of CT, DE, IL, IN, IA, KY, MA, MD, ME, MI, MO, NJ, NY, NC, ND, NH, OH, PA, RI, SC, SD, TN, VA, VT, WI and WV. Supporting shipper(s): E and B Carpet Mills, Inc., P.O. Box 1288, Arlington, TX 76010.

MC 115841 (Sub-3-15TA), filed July 11, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *Chemicals, and cleaning and sanitation materials, equipment and supplies (except commodities in bulk)*, between the facilities utilized by Zep Manufacturing Company, located at or near Albuquerque, NM; Chicago, IL; Cleveland, OH; Dallas, TX; Denver, CO; Detroit, MI; Houston, TX; Kansas City,

KS/MO; Los Angeles, CA; Pittsburgh, PA; Santa Clara, CA; St. Louis, MO; St. Paul, MN; Washington, DC; and Oklahoma City, OK. Supporting shipper: Zep Manufacturing Company, 1310 Seaboard Industrial Boulevard, Atlanta, GA.

MC 115841 (Sub-3-14TA), filed July 11, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *Frozen Foods* from Sikeston, MO to Ocala, FL. Restricted to traffic originating at or destined to the facilities utilized by Gold Bond Ice Cream. Supporting shipper: Gold Bond Ice Cream, 701 S.W. 33rd Avenue, Ocala, FL 32670.

MC 31674 (Sub-3-8TA), filed July 11, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (same address as above). *Canned and frozen mushrooms* from Temple, PA to points in the U.S., except AK and HI. Supporting shipper: Giorgio Foods, Inc., P.O. Box 96, Temple, PA 19560.

MC 143271 (Sub-3-1TA), filed July 11, 1980. Applicant: CAPITAL CITY TRUCK GARAGE AND TRUCKING COMPANY, INC., 3017 Trawick Road, Raleigh, NC 27604. Representative: Nicholas J. Dombalis, II, 3700 Computer Dr., P.O. box 18237, Raleigh, NC 27619. *Bananas*, from Charleston, SC; Baltimore, MD; New York, NY and Wilmington, DE to various points within the States of WV and VA. Supporting shipper: Castle and Cooke Foods, 6808 Foxfire Place, Raleigh, NC 27609.

MC 38320 (Sub-3-1TA), filed July 11, 1980. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer "C", Campbellsville, KY 42718. Representative: Louis J. Amato, P.O. Box "E", Bowling Green, KY 42101. *Alcoholic beverages*, in containers, (except in bulk), from the facilities of Old Fitzgerald Distillery, Louisville, KY, to all points in IL. Supporting shipper: Somerset Importers Ltd., P.O. Box 10038, Louisville, KY 40210.

MC 139958 (Sub-3-7TA), filed July 14, 1980. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. *Beverages as described in NMFC Item 72160, materials, supplies and equipment used in the manufacture thereof, except in bulk*: Between the facilities of Kolmar, Inc. at or near Austin, IN and points in KY, IN, IL, OH, WV, MI, MO, NJ, MS, TN, GA, NC, LA, AL, SC, VA, PA, AR, TX, NY, MN and WI. Supporting shipper: Kolmar

Products Corporation, 256 W Road, Austin, IN 47102.

MC 107912 (Sub-3-2TA), filed July 14, 1980. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Drive, Memphis, TN 38118. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Common carrier: regular: General commodities (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, articles of unusual value, and commodities which by reason of size or weight require the use of special equipment)* serving the facilities utilized by the Chambers Corporation at or near Como, MS as an off-route point in connection with applicant's regular route authority. Supporting Shipper: Chambers Corp., P.O. Box 927, Oxford, MS 38655.

Note.—Propose to tack with existing authority and to interline at Memphis, TN; Jackson, MS; and Baton Rouge, LA.

MC 151161 (Sub-3-1TA), filed July 14, 1980. Applicant: NORTH ATLANTA COACH & TRANSPORTATION, INC., d.b.a. NORTHSIDE AIRPORT EXPRESS, 1454 Willingham Drive, Atlanta, GA 30344. Representative: Patricia J. Nori (same address as applicant). *Passengers and their baggage in Charter and Special Operations*, Beginning and ending at points in Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties, GA on the one hand and extending to points in AL, CT, DE, FL, IL, IN, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, VT, D.C., and WV. Supporting shippers: There are 6 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 145408 (Sub-3-7TA), filed July 10, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 2550 M Street, N.W., Suite 520, Washington, D.C. 20037. *Contract carrier, precast concrete products, plastic pipe and tubing*, between Darlington, County, SC, on the one hand, and on the other, points in NC, VA, GA, FL and TN under continuing contract(s) with Utility Precast. Supporting shipper: Utility Precast, P.O. Box 1096, Hartsville, SC 29550.

The following application was filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 34156 (Sub-4-7TA), (Republication) filed November 13, 1979. Applicant: NIEDERT FREIGHT, INC., 7000 West 103rd Street, Chicago Ridge,

Illinois. Representative: William D. Brejcha, Esq., 10 South LaSalle Street, Suite #1600, Chicago, Illinois. Regular routes—*General commodities*, (except commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and Classes A and B explosives), Between the Chicago, IL Commercial Zone and the Milwaukee, WI Commercial Zone serving all intermediate points and serving the Racine, WI and the Kenosha, WI Commercial Zones as off-route points, from the Chicago, IL Commercial Zone over Interstate Highway I-94 to the Milwaukee, WI Commercial Zone and return over the same route.

Note.—Applicant proposes to combine service over the route described above with all existing authorized service routes and to interline at the Chicago, IL Commercial Zone and the Milwaukee, WI Commercial Zone.

The following protests were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 110098 (Sub-5-5TA), filed July 11, 1980. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road (Box 20380), San Antonio, Texas 78220. Representative: T. W. Cothren (same address as applicant.) *Paper and paper products, and plastic film or sheeting*, from Los Angeles and Redlands, CA, to the facilities of Dixico, Inc. at Dallas, TX. Supporting shipper: Dixico, Inc., Box 225116, Dallas, TX 75265.

MC 115669 (Sub-5-2TA), filed July 11, 1980. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Marshall D. Becker, of Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Malt beverages and related advertising materials*, from Omaha, NE and Council Bluffs, IA to Oklahoma City, Tulsa, Elk City, Ardmore, Lawton and Altus, OK. Supporting shipper: P. L. Distributing Co., P.O. Box 38, 1501 South Main, Council Bluffs, IA 51501.

MC 117568 (Sub-5-1TA), filed July 14, 1980. Applicant: WADE TRUCK LINES, INC., P.O. Box 156, Verona, Missouri 65769. Representative: Same as applicant. *Molasses and/or Syrup, in drums or pails*, between Gretna and/or New Orleans, LA, and points and places in the 48 states, also between the 48 states. Supporting shipper: Colonial Molasses, Box 483, Gretna, LA 70054.

MC 134755 (Sub-5-6), filed July 14, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, Missouri 65804. *Tires, tubes, tire flaps,*

and rubber products (except commodities in bulk), from Tyler, TX to Kansas City, MO. Supporting shipper: Lee Tire and Rubber Company, 1100 East Hector Street, Conshohocken, PA 19428.

MC 139206 (Sub-5-7), filed July 14, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry, (same address as applicant). Contract, irregular. *Mineral wool insulation* from the facilities of Foam Products Corporation at Maryland Heights, MO to Toledo, OH, Danbury, CT; Pittsburg, PA; and Chicago, IL and commercial zones thereof. Supporting shipper: Foam Products Corporation—2525 Adie Road—Maryland Heights, MO 63043.

MC 140665 (Sub-5-22TA), filed July 14, 1980. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Foodstuffs, (except commodities in bulk)* from the facilities of American Home Foods, Division of American Home Products Corporation located at or near LaPorte, IN to points in TN. Supporting shipper: American Home Foods, Division of American Home Products Corporation, 685 Third Ave., New York, NY 10017.

MC 144209 (Sub-5-1), filed July 11, 1980. Applicant: ERWIN TRUCKING, INC., 9100 "F" Street, Omaha, NE 68127. Representative: Donald L. Stern, of Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *General commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight)*, between points in AL, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. *Restricted*: to the transportation of traffic moving to, from or between the facilities of or utilized by Minnesota Mining and Manufacturing Company (3M) or its wholly owned subsidiaries. Supporting shipper: 3M Company, 3M Center, Transportation—224-1E, St. Paul, MN 55144.

MC 145950 (Sub-5-10TA), filed July 11, 1980. Applicant: BAYWOOD TRANSPORT, INC., Route 6, Box 2611, Waco, Texas 76706. Representative: Michael D. Bromley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Bananas and agricultural commodities, transportation of which is exempt from regulation under 49 U.S.C. § 10528(a)(6) in mixed loads with bananas, from*

Mobile, AL, and Gulfport, MS, to points in the U.S. (except AK and HI). Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Drive, Montavale, NJ 07645.

MC 151024 (Sub-5-1TA), filed July 9, 1980. Applicant: VICO TRUCKING COMPANY, Post Office Box 45, Tickfaw, LA 70466. Representative: Fletcher W. Cochran, 1338 Gause Boulevard—Suite 245, Post Office Box 741, Slidell, LA 70459. Contract; irregular. *Lumber, lumber products, and forest products* from the plant sites of Crown Zellerbach Corporation or those facilities under a continuing contract or contracts with Crown Zellerbach Corporation located at Bogalusa, LA, and Lumberton, MS, to all points in the states of AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, NJ, NC, OH, OK, PA, SC, TN, TX, WV, and WI. Supporting shipper: Crown Zellerbach Corporation, Post Office Box 1060 Bogalusa, LA 70427.

MC 151202 (Sub-5-1TA), filed July 11, 1980. Applicant: R.L. & H. DISTRIBUTION COMPANY, INC., 11291 Pellicano Dr., El Paso, TX 79935. Representative: Henry G. Kreiner, 10909 Bob Stone Dr., El Paso, TX 79938. Contract; Irregular. *Roofing materials, building materials and accessories*, between the U.S.-Mexican Boundary Line and points in the U.S. (except Alaska and Hawaii). Supporting shipper: CASAH Quality Inc., U.S. General Offices, 11291 Pellicano Dr., El Paso, TX 79935.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22072 Filed 7-22-80; 8:45 am]
BILLING CODE 7035-81-M

[Rule 19, Ex Parte No. 241; 11th Rev. Exemption No. 141]

Exemption Under Provision of Mandatory Railroad Car Service Rules

It appearing, That the railroads named herein own numerous plain gondola cars less than 61-ft.; that under present conditions, there are surpluses of these cars on their lines; that return of these cars to the car owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars, 61-ft. in length, described in the Official Railway

Equipment Register, ICC-RER No. 6410-B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB," which are less than 61-ft. in length, and which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

Aberdeen and Rockfish Railroad Company;

Reporting Marks: AR

Atlantic and Western Railway Company;

Reporting Marks: ATW

*Bessemer and Lake Erie Railroad Company;

Reporting Marks: BLE

Chicago, West Pullman & Southern Railroad

Company; Reporting Marks: CWP

Columbus and Greenville Railway Company;

Reporting Marks: CAGY

*Consolidated Rail Corporation; Reporting

Marks: BCK-CNJ-CR-DLW-EL-ERIE-LV-

NH-NYC-P&E PAE-PC-PCA-PRR-RDG-

TOC-RR

East St. Louis Junction Railroad Company;

Reporting Marks: ESLJ

Illinois Terminal Railroad Company;

Reporting Marks: ITC

Louisiana Midland Railway Company;

Reporting Marks: LOAM

Maryland and Delaware Railroad Company;

Reporting Marks: MDDE

Octoraro Railway, Inc.; Reporting Marks:

OCTR

The Pittsburgh and Lake Erie Railroad

Company; Reporting Marks: PLE

Southern Railway Company; Reporting

Marks: SOU

Upper Merion and Plymouth Railroad

Company; Reporting Marks: UMP

Effective July 15, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 11, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-22069 Filed 7-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19, Ex Parte No. 241; 44th Rev. Exemption No. 12]

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein,

*Additions.

resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XMI," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a) and 2(b).

Atlantic and Western Railway; Reporting

Marks: ATW

[Deleted]¹

Chicago & Illinois Midland Railway

Company; Reporting Marks: CIM

Consolidated Rail Corporation; Reporting

Marks: BCK-CNJ-CR-DLW-EL-ERIE-LV-

NH-NYC-P&E PAE-PC-PCA-PRR-RDG-

TOC-RR

Fonda, Johnstown and Gloversville Railroad

Company; Reporting Marks: FJG

Hartford and Slocum Railroad Company;

Reporting Marks: HS

Hillsdale County Railway Company Inc.;

Reporting Marks: HCR

Lackawaxen and Stourbridge Railroad

Corporation; Reporting Marks: LASB

Maryland and Pennsylvania Railroad

Company; Reporting Marks: MPA

Pickens Railroad Company; Reporting Marks:

PICK

Effective July 15, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 11, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-22068 Filed 7-22-80; 8:45 am]

BILLING CODE 7035-01-M

[ICC Order No. P-30]

Atchison, Topeka Santa Fe Railway Co.; Passenger Train Operation

Decided June 28, 1980.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of this train requires the use of tracks and other facilities of Missouri-Kansas-Texas Railroad Company (MKT). A portion of these MKT tracks at Granger, Texas, are temporarily out of service. An alternate route is available between Temple and Milano, Texas, via The Atchison, Topeka and Santa Fe Railway Company and connecting with the Missouri Pacific Railroad Company (MP). It is the opinion of this Commission that the use of such alternate route is necessary in

¹Burlington Northern Inc.

the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Atchison, Topeka and Santa Fe Railway Company is directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between Temple and Milano, Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 2:00 p.m., EDT, June 28, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., EDT, June 30, 1980, unless otherwise modified, changed, or suspended by order of this Commission.

This order shall be served upon the Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 80-22067 Filed 7-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29408]

Transkentucky Transportation Railroad, Inc.—Operation—Of a Line of Railroad in Bourbon, Nichols, Fleming, and Mason Counties, Ky.

Transkentucky Transportation Railroad, Inc. (Applicant), represented by Mr. William F. Hughes, President and General Manager Transkentucky Transportation Railroad, Inc., 201 West Vine Street, Lexington, KY 40502 and John L. Richardson, Esquire, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, NW., Washington, DC 20036, hereby give notice that on the 1st day of July, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing it to operate approximately 49.6 miles of railroad located in Bourbon, Nichols, Fleming and Mason Counties, KY.

The line begins at a connection with the Louisville and Nashville Railroad Company (L&N) at Paris, KY, and extends in a northeasterly direction to its terminal points at Maysville, KY.

On July 25, 1979, the Commission issued Service Order No. 1389, authorizing Applicant to assume operating responsibility for the Paris-Maysville Branch which was abandoned by L&N pursuant to a decision of the Commission in Docket No. AB-2 (Sub-No. 14).

On September 5, 1979, Applicant leased the branch from L&N; on September 6, 1979, began operations; and on October 10, 1979, Applicant purchased the branch from L&N.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969*, *supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423, and the aforementioned counsel for applicant,

within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22071 Filed 7-23-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-69]

Certain Airtight Cast Iron Stoves; Commission Request for Comments Concerning Consent Order Agreement

AGENCY: United States International Trade Commission.

ACTION: Proposed consent order agreement—request for public comment.

SUMMARY: This proposed consent order agreement would result in termination of this investigation with respect White Mountain, Inc., a respondent before the Commission. This notice requests comments on the agreement. The agreement is available in the Office of the Secretary of the Commission.

DATES: Comments will be considered if received on or before August 22, 1980. Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esquire, Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-0359.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation or sale of certain airtight cast iron stoves in the United States, complainants and the Commission investigative attorney moved on June 18, 1980, motion No. 60-31) to terminate this investigation as to respondent White Mountain, Inc., based upon a consent order agreement. On June 27, 1980, the Administrative Law Judge issued her recommendation (Order No. 69-33) regarding the consent order agreement. The Administrative Law Judge recommended that the Commission accept the agreement.

This investigation began with publication by the Commission of a notice in the Federal Register on July 12, 1979, [44 FR 40732] stating that an investigation was being instituted to determine:

Whether, on the basis of allegations set forth and supplemented with additional information provided the U.S. International Trade Commission, there are violations of subsection (a) of this section in the unlawful importation of certain airtight cast-iron wood- and coal-burning stoves in the United States, or in their sale by reason that such stoves are—

(a) Violating Jotul's common law trademarks because such stoves are visually identical copies of Jotul's stoves;

(b) Being passed off as Jotul's products;

(c) Violating Jotul's registered U.S. trademarks; and

(d) Being falsely advertised.

The effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated in the United States or to restrain trade or commerce in the United States.

Twenty-five parties were named as respondent on July 12, 1979. By notice published in the Federal Register [44 FR 58816] on October 11, 1979, the Commission named twenty-six additional respondents. A subsequent notice dated October 24, 1979, [44 FR 61269] named one more respondent.

WRITTEN COMMENTS REQUESTED: In her recommendation of June 27, the Administrative Law Judge stated that the type of agreement entered into should not be issued. However, she went on to add that similar consent order agreements had already been accepted by the Commission. The Commission wishes to point out that no consent order agreements have as yet been accepted by it in this case. At this time, the Commission has solicited public comment on whether it should accept the proposed orders, but in no way has expressed an opinion as to whether they will ultimately be accepted. In considering the present consent order agreement, therefore, the Commission will, of course, consider the Administrative Law Judge's recommendation with regard to the other consent order agreements.

Because the issues raised by the Administrative Law Judge with regard to the other consent order agreements are clear, no oral argument will be held with respect to the Administrative Law Judge's recommendation. However, in light of the Commission's duty to

consider the public interest, the Commission requests written comments concerning the effect of the termination of this investigation based upon the consent order agreement upon (1) the public health and welfare; (2) competitive conditions in the U.S. economy; (3) the production of like or directly competitive articles in the United States; and (4) U.S. consumers. These written comments must be filed with the Secretary of the Commission no later than August 22, 1980. A complete copy of the proposed consent order agreement is available in the Office of the Secretary of the Commission.

ADDITIONAL INFORMATION: The original and 19 true copies of all written submissions must be filed with the Secretary of the Commission. Any persons desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such a request should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

By Order of the Commission.

Issued: July 18, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-22102 Filed 7-22-80; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-52; Advisory Opinion Proceeding]

Certain Apparatus for the Continuous Production of Copper Rod; Issuance of Advisory Opinion

On July 14, 1980, the U.S. International Trade Commission issued an Advisory Opinion regarding the cease and desist orders issued on November 23, 1979, in *Certain Apparatus for the Continuous Production of Copper Rod*, Inv. No. 337-TA-52. The issuance of the advisory opinion follows a request of April 2, 1980, by Fried, Krupp GmbH. and Krupp International, Inc. for such an opinion.

Copies of the public version of the advisory opinion are available in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0161.

By Order of the Commission.

Issued: July 14, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-22101 Filed 7-22-80; 8:45 am]
BILLING CODE 7020-02-M

[332-111]

Semiannual and Annual Surveys on Nonelectric Cooking Ware of Steel

Notice is hereby given that the U.S. International Trade Commission, on July 11, 1980, instituted an investigation under section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), for the purpose of conducting semiannual and annual surveys with respect to non-electric cooking ware of steel, enameled or glazed with vitreous glasses, subject to temporary duty increases by reason of Proclamation 4713, issued January 16, 1980 (published in the Federal Register of January 18, 1980 (45 FR 3561)). The Annex to Proclamation 4713 requires the Commission to conduct such surveys. The temporary duty increases, which are for a 4-year period beginning January 17, 1980, are provided for in item 923.60 of the Appendix to the Tariff Schedules of United States (19 U.S.C. 1202).

The Annex to Proclamation 4713 provides, in pertinent part, as follows:

7. *United States International Trade Commission (USITC) surveys on certain nonelectric cooking ware of steel*—The USITC shall conduct surveys with respect to cooking ware of the type subject to temporary duty increases under item 923.60 as follows:

(a) *Semiannually*—Surveys semiannually to obtain periodic data on U.S. production; U.S. producers' domestic, export, and total shipments, imports, apparent U.S. consumption, employment, and man-hours. The initial survey shall cover the last half of 1979 and the first half of 1980, the last such survey shall cover the semiannual period which ends not less than 60 days prior to the termination of the import relief. The results of the surveys shall be published and transmitted to the U.S. Trade Representative within 60 days of the end of each survey period.

(b) *Annually*—Annual surveys to obtain from domestic producers annual data on profits, capital expenditures, capacity, and capacity utilization. The initial survey shall cover calendar year 1979, and the results of this and subsequent surveys shall be published and transmitted to the U.S. Trade Representative by the end of the first quarter of each year thereafter so long as the import relief is in effect.

By order of the Commission.

Issued: July 14, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-22103 Filed 7-22-80; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment in United States v. E. I. du Pont de Nemours & Co., Inc. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for the Northern District of Ohio, Eastern Division, in *United States v. E. I. Du Pont de Nemours & Co., Inc.*, Civil Action No. C76-566. The Complaint in this case alleges that Du Pont violated the Sherman Act by conspiring to restrain trade in the retail sale of its Lucite consumer paint through the use of its retailer cooperative advertising program.

The proposed Judgment enjoins the defendant from engaging in or renewing the alleged conspiracy and requires the defendant to put a statement in its cooperative retailer advertising plans to the effect that reimbursement under the plan is not conditioned upon the retailer's advertising at or above minimum prices set by the defendant or upon the absence of price in any advertisement.

The CIS describes the terms of the Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to John A. Weedon, Chief, Cleveland Field Office, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: July 14, 1980.

Joseph H. Widmar,
Director of Operations.

U.S. District Court, for the Northern District of Ohio, Eastern Division

United States of America, Plaintiff, v. E. I. du Pont de Nemours & Co., Inc., Defendant.
Civil No. C-76-566.

Judge John M. Manos.

Filed: July 14, 1980.

Entered:

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: July 14, 1980.

FOR THE PLAINTIFF: Sanford M. Litvack, *Assistant Attorney General*; Joseph H. Widmar; Charles F. B. McAleer; John A. Weedon, *Attorneys, Department of Justice*. James R. Williams, *U.S. Attorney*. Edmund Round; Deborah Lewis Hiller, *Attorneys, Department of Justice, Antitrust Division, 955 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: 216-522-4189.*

FOR THE DEFENDANT: Daniel M. Gribbon; Harry C. Nester, *Attorneys for E. I. Du Pont de Nemours & Co., Inc.*

U.S. District Court, for the Northern District of Ohio, Eastern Division

United States of America, Plaintiff, v. E. I. du Pont de Nemours & Co., Inc., Defendant.

Civil No. C-76-566.

Filed: July 14, 1980.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on June 7, 1976, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, Adjudged, And Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment, the term: (A) "Lucite consumer paint" shall mean the paint that Du Pont manufactures and sells to consumers under the trademark "Lucite" (which is a registered trademark of the defendant), and includes, but is not limited to, the products "Lucite" House Paint and "Lucite" Wall Paint;

(B) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity;

(C) "Retailer" shall mean a person other than Du Pont that sells Lucite consumer paint in the United States of America.

III

This Final Judgment applies to the defendant and to its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from, in any manner, directly or indirectly, entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, understanding, or concert of action, under which the retailer is reimbursed by defendant for advertising "Lucite" consumer paint and defendant conditions the retailer's reimbursement by defendant on the retailer's advertising "Lucite" consumer paint either at or above minimum prices set by defendant, or without stating any price in the advertisement.

V

Defendant is ordered and directed to:

(A) Within sixty (60) days after the date of entry of this Final Judgment, furnish a conformed copy of this Final Judgment to (1) each of its directors and (2) each of its officers and employees who have managerial or supervisory authority for the pricing or sale of "Lucite" consumer paint to retailers or for any cooperative retailer advertising plan for "Lucite" consumer paint;

(B) Furnish a conformed copy of this Final Judgment to each person who becomes a director or an officer or employee described in subparagraph (A) hereof, within thirty (30) days after each such person becomes a director, or such an officer or employee;

(C) At the time the conformed copy of this Final Judgment is furnished to those persons described in subparagraphs (a)(1), (A)(2) and (B) hereof, advise each person of his obligations and of defendant's obligations under this Final Judgment, and of the penalties that may be imposed upon him and upon defendant for violation of this Final Judgment. Substantially similar advice shall be given to those officers and employees described in subparagraphs (A)(2) and (B) hereof at least once a year for a period of five (5) years after the date of entry of this Final Judgment;

(D) Include in any cooperative retailer advertising plan that may be put into effect during the period this Final Judgment remains

in effect a statement that reimbursement under the plan is not conditioned upon the retailer's advertising "Lucite" consumer paint either at or above minimum prices set by defendant, or upon the absence of price in any advertisement;

(E) File with this Court and serve upon the plaintiff within thirty (30) days after its compliance with subparagraph (A) hereof, an affidavit as to the fact and manner of such compliance;

(F) File with this Court and serve upon the plaintiff within thirty (30) days after its compliance with subparagraph (C) hereof, an affidavit as to the fact and manner of such compliance. Such affidavit shall be filed at least once in each of the five (5) years during which compliance with subparagraph (C) hereof is required.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees and agents of defendant, who may have counsel present, regarding any such matters;

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment or as otherwise required by law;

(C) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice

shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

VII

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

VIII

Defendant shall require, as a condition of the sale or disposition of all, or substantially all, of the assets used by it in the manufacture and sale of "Lucite" consumer paint, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

IX

This Final Judgment shall terminate and cease to be effective ten (10) years from the date of its entry.

X

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court, for the Northern District of Ohio, Eastern Division

United States of America, Plaintiff, v. E. I. du Pont de Nemours & Co., Inc., Defendant.

Civil No. C-76-566.

Judge John M. Manos.

Filed: July 14, 1980.

Competitive Impact Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I.—Nature and Purpose of the Proceeding

On June 7, 1976, the United States filed a civil antitrust Complaint alleging that E.I. du Pont de Nemours & Co., Inc. and others, including retailers of "Lucite" consumer paint, conspired to restrain trade unreasonably through its cooperative advertising program in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleges that, from at least 1970 and continuing at least until September 1974, the defendant and the unnamed co-conspirators engaged in a combination and conspiracy, the substantial terms of which were that: (a) during specified periods of the year, defendant would reimburse retailers of "Lucite" consumer paint the cost of advertising such paint if their advertisements did not indicate prices lower than those

established by defendant; and (b) during specified periods of the year, retailers of "Lucite" consumer paint would refrain from advertising such paint at prices lower than those established by the defendant.

The Complaint seeks a judgment by the Court that the defendant engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also asks that the Court perpetually enjoin and restrain the defendant from such activities in the future.

E.I. du Pont de Nemours & Co., Inc. is the only defendant named in the Complaint.

II.—Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

The product relevant to this case is "Lucite" consumer paint. "Lucite" is a registered trademark of the defendant. "Lucite" consumer paint is sold as house paint, wall paint, and interior and exterior enamel. Retailers sell "Lucite" consumer paint to consumers, generally for their own use.

During the period covered by the Complaint, the defendant manufactured and sold "Lucite" consumer paint throughout the United States.

The Complaint alleges that the defendant and co-conspirators engaged in an illegal combination and conspiracy from at least 1970 until at least September 1974. That combination and conspiracy consisted of a continuing agreement, understanding, and concert of action between the defendant and co-conspirators that, during specified periods of the year, the defendant would reimburse retailers of "Lucite" consumer paint the cost of advertising such paint if their advertisements did not indicate prices lower than those established by the defendant and that, during specified periods of the year, retailers of "Lucite" consumer paint would refrain from advertising such paint at prices lower than those established by the defendant. This was called the minimum advertised price condition of the defendant's cooperative advertising plan.

It is Du Pont's position that, in adopting this minimum advertised price condition, it relied in good faith on an Advisory Opinion issued by the Federal Trade Commission, "Inclusion of Provision in Cooperative Advertising Agreements Limiting Price Advertising by Retailers" (No. 309, 74 F.T.C. 1681 (1968)).

The Complaint alleges that the combination and conspiracy had the following effects, among others:

A. price competition among retailers who advertise "Lucite" consumer paint has been suppressed;

B. retailers have agreed to advertise "Lucite" consumer paint at prices set by the defendant;

C. consumers have been denied the benefits of unrestricted price competition among retailers who advertise "Lucite" consumer paint.

III.—Explanation of the Proposed Final Judgment

The United States and the defendant have stipulated that the proposed Final Judgment may be entered by the Court at any time after

compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest. Accordingly, Section X of the proposed Final Judgment states that entry of this judgment is in the public interest.

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section IV enjoins and restrains the defendant from entering into, adhering to, maintaining, furthering, enforcing, or claiming any right under any contract, agreement, understanding, or concert of action, under which the retailer is reimbursed by the defendant for advertising "Lucite" consumer paint and the defendant conditions the retailer's reimbursement by the defendant on the retailer's advertising "Lucite" consumer paint either at or above minimum prices set by the defendant, or without stating any price in the advertisement.

Section V of the proposed Final Judgment orders the defendant to furnish a copy of the Final Judgment to each of its directors and to each of its officers and employees who has managerial or supervisory authority for the pricing or sale of "Lucite" consumer paint to retailers or for any cooperative retailer advertising plan for "Lucite" consumer paint. Successors of those persons are also to be furnished a copy of the judgment. At the time these persons are furnished a copy of the Final Judgment, they are to be advised of their obligations and the defendant's obligations under the Final Judgment, and of the penalties that may be imposed upon them and upon the defendant for violation of the Final Judgment. Substantially similar advice is to be given annually for five years to the officers and employees who are furnished copies of the Final Judgment.

Section V of the proposed Final Judgment also orders the defendant to include in any cooperative retailer advertising plan that may be put into effect during the ten years the Final Judgment remains in effect a statement that reimbursement under the plan is not conditioned upon the retailer's advertising "Lucite" consumer paint either at or above minimum prices set by the defendant, or upon the absence of price in any advertisement.

Section III of the proposed Final Judgment makes the judgment applicable to the defendant and to its officers, directors, agents, employees, subsidiaries, successors, and assigns, as well as all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment.

Section VIII requires that, if the defendant sells the assets of its "Lucite" consumer paint business, the purchaser must agree to be bound by the Final Judgment and must so inform the Court.

Section IX makes the Final Judgment effective for ten years from the date of its entry.

Standard provisions similar to those found in other antitrust Final Judgments by consent

are contained in Section I (jurisdiction of the Court), Section VI (investigation and reporting requirements), and Section VII (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutary effect on competition in the consumer paint market. Not only has the defendant been enjoined from future collusive behavior, it is also required to provide copies of the Final Judgment to each of its directors and to each of its officers and employees who has any authority for the sale or pricing of "Lucite" consumer paint or for any cooperative retailer advertising plan for "Lucite" consumer paint. In addition, those officers and employees must be instructed annually about their responsibilities under the judgment. Finally, a provision must be put in cooperative retailer advertising plans that reimbursement under the plan is not conditioned on the retailer's advertising at or above the minimum advertised price or without showing a price. It is anticipated that these provisions will reduce the possibility of future violations.

IV.—Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment has not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V.—Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216-522-4070). These comments and the Department's responses to them will be filed with the Court and published in the Federal Register.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, Section VII of the proposed judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such order as may be necessary or appropriate for the modification, interpretation, or enforcement of the judgment after its entry.

VI.—Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed

Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

In reaching an agreement on the language of the proposed Final Judgment, the United States originally proposed that copies of the Final Judgment be sent to all retailers of "Lucite" consumer paint. After negotiation, it was agreed that, in lieu of sending the Final Judgment to all retailers, a statement would be placed in all cooperative retailer advertising plans to the effect that reimbursement under the plan is not conditioned on the retailer's advertising "Lucite" consumer paint at or above defendant's minimum advertised price, or on the absence of a price in the advertisement.

VII.—Determination Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted.

John A. Weedon, David F. Hills, *Attorneys,*
Department of Justice.

Edmund Round, Deborah Lewis Hiller,
Attorneys, Department of Justice
Antitrust Division, 995 Celebrezze
Federal Building, Cleveland, Ohio 44199,
Telephone: (216) 522-4189.

[FR Doc. 80-21977 Filed 7-22-80; 8:45 am]
BILLING CODE 4410-01-M

Immigration and Naturalization Service Federal Advisory Committee on Immigration and Naturalization; Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

SUMMARY: This notice announces the meeting of the Federal Advisory Committee on Immigration and Naturalization to be held in Alexandria, Virginia on September 4-5, 1980.

FOR FURTHER INFORMATION CONTACT: Verne Jervis, Public Information Officer of the Immigration and Naturalization Service, Room 7056, 425 "I" Street, N.W., Washington, D.C. 20536, telephone 202/633-2648.

SUPPLEMENTARY INFORMATION AND MEETING AGENDA: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) notice is hereby given of a meeting of the Federal Advisory Committee on Immigration and Naturalization. (All Sub-Committees will have work sessions on September 4, 1980 from 8:30 a.m. to 11:30 a.m., prior to commencement of the formal Federal Advisory Committee meeting.) The meeting will start at 1:00 p.m. and continue to 5:00 p.m., on Thursday, September 4, 1980, at the Olde Colony

Motor Lodge, located on the George Washington Memorial Parkway, corner of N. Washington and First Streets, Alexandria, VA. The meeting will reconvene at 9:00 a.m. on September 5 and continue to approximately 2:00 p.m.

Federal Advisory Committee Agenda

Subcommittee Meetings—September 4, 1980, 8:30 a.m. to 11:30 a.m.

FAC Meeting—September 4, 1980, 1:00 p.m. to 5:00 p.m.

Call to Order and Roll Call, 1:00 p.m.

Opening Remarks by Acting Commissioner David Crosland and Introduction of Washington District Director Kellogg Whittick, 1:30 p.m.

Election of Chairman, 1:45 p.m.

Review of Agenda Topics, 2:15 p.m.

Reading of Minutes, 2:30 p.m.

Naming of New Subcommittees and Members, 2:45 p.m.

Break, 3:00 p.m.

Staff Presentations (Presentations will cover the following topics: Refugee Act of 1980, Cuban and Haitian asylum seekers and INS processing of asylum applicants, INS area control policy, progress of the Select Commission on Immigration and Refugee Policy, and update on immigration legislation.) 3:15 p.m.

Friday, September 5, 1980

Meeting Reconvenes (Completion of Staff Presentations), 9:00 a.m.

Break, 10:15 a.m.

Public commentary, 10:30 a.m.

Subcommittee Reports, 11:30 a.m.

Formal Recommendations to the Commissioner, 1:00 p.m.

Meeting adjourns, 2:00 p.m.

Attendance is open to the interested public on a space available basis only. Persons or groups wishing to attend the meeting or to make public commentary should address a letter to Mr. Verne Jervis at the address below:

U.S. Immigration and Naturalization Service,
425 I Street, N.W., Room 7056, Washington,
D.C. 20536.

Dated: July 16, 1980.

David Crosland,
Acting Commissioner.

[FR Doc. 80-22007 Filed 7-22-80; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notices of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

Date: August 11, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This panel will consider applications in Religious Studies submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. Support for the projects under consideration may begin on or after January 1, 1981.

Date: August 12, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 1134.

Program: This panel will consider applications in Latin American and Non-Western History submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. The projects under consideration may begin on or after January 1, 1981.

Date: August 12, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This meeting will review applications for Fellowships for College Teachers in European History, submitted to the Division of Fellowships and Seminars for project beginning after January 1, 1981.

Date: August 13, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This meeting will review applications for Fellowships for College Teachers in Political Science, submitted to the Division of Fellowships and Seminars, for project beginning after January 1, 1981.

Date: August 18, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This meeting will review applications for Fellowships for College Teachers in American History, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

Date: August 22, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This meeting will review applications for Fellowships for College Teachers in Anthropology and Sociology, submitted to the Division of Fellowships and Seminars, for project beginning after January 1, 1981.

Date: August 28, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This panel will consider applications in European history since 1789 submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. Support for the projects under consideration may begin on or after January 1, 1981.

Date: August 27, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Program: This panel will consider applications in American Literature submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. Support for the projects under consideration may begin on or after January 1, 1981.

Date: August 28, 1980.

Time: 9:00 a.m. to 5:30 p.m.

Room: 1134.

Program: This panel will consider applications in European History up to 1789 submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. Support for the projects under consideration may begin on or after January 1, 1981.

Date: August 29, 1980.

Time: 8:30 a.m. to 5:30 p.m.

Room: 314.

Program: This panel will consider applications in American History from 1914 to the present submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. Support for the projects under consideration may begin on or after January 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1985, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9) (b) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20508, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-22084 Filed 7-22-80; 8:45 am]

BILLING CODE 7530-01-M

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, August 8, 1980 from 9:00 a.m.-5:30 p.m.; Saturday, August 9, 1980 from 9:00 a.m.-5:30 p.m.; and Sunday, August 10, 1980 from 9:00 a.m.-1:00 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, N.W., Washington, D.C. (Georgetown)

A portion of this meeting will be open to the public on Friday, August 8, 1980 from 9:00 a.m.-4:30 p.m.; Saturday, August 9, 1980 from 9:00 a.m.-3:30 p.m.; and Sunday, August 10, 1980 from 10:00 a.m.-11:00 a.m. Topics for discussion will include Program Reviews and Guidelines for Learning Through the Arts, Artists-in-Schools, Theater, Museums, Dance, Design Arts, State Programs, Composers and Challenge Grants; reports on Policy/Planning Committee, Hispanic Task Force & Community Task Force matters, and a study of Energy and the Arts.

The remaining sessions of this meeting on Friday, August 8, 1980 from 4:30 p.m.-5:30 p.m., Saturday, August 9, 1980 from 3:30 p.m.-5:30 p.m. and Sunday, August 10, 1980 from 9:00 a.m.-10:00 a.m. and 11:00 a.m.-1:00 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1985, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to

this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-22063 Filed 7-22-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[NUREG-0577]

Potential for Low Fracture Toughness and Lamellar Tearing on PWR Steam Generator and Reactor Coolant Pump Supports; Issuance and Availability; Extension of Public Comment Period

The issuance of NUREG-0577 (Potential for Low Fracture Toughness and Lamellar Tearing on PWR Steam Generator and Reactor Coolant Pump Supports) was announced in Federal Register Vol. 45, No. 99 on Tuesday, May 20, 1980, on page 33753.

Although comments on NUREG-0577 were originally due on July 7, 1980, the comment period was extended until July 21, 1980 because of document distribution problems. The NRC staff has been requested to extend that deadline even further to allow for submittal of additional technical comments from an industry organization representing many utilities. Because such comments are anticipated to be useful in assuring that all viewpoints have been adequately considered in the staff's technical resolution of the issue in NUREG-0577, the NRC staff agrees, that an extension is warranted. Therefore, the comment period for NUREG-0577 has been extended until Friday, August 8, 1980.

Comments should be forwarded to Mr. Richard P. Snider, Generic Issues Branch, Nuclear Regulatory Commission, Washington, D.C. 20555 by that date.

Dated at Bethesda, Maryland this 18th day of July 1980.

For the Nuclear Regulatory Commission.
Malcolm L. Ernst,
Acting Director, Division of Safety Technology.

[FR Doc. 80-21909 Filed 7-22-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been

developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.61, "Intent and Scope of the Physical Protection Upgrade Rule Requirements for Fixed Sites," provides information to assist in understanding the new physical security requirements for fuel cycle facilities that were included in amendments known as the "Physical Protection Upgrade Rule" to 10 CFR Part 73, "Physical Protection of Plants and Materials." The guide provides an overview of the major sections of the Physical Protection Upgrade Rule and attempts, by means of a question and answer format, to explain why certain fixed site requirements are included in the rule and to clarify the intent of these requirements.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 15th day of July 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,
Director, Office of Standards Development.

[FR Doc. 80-21900 Filed 7-22-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482-A]

Kansas Gas & Electric Co., Kansas City Power & Light Co., and Kansas Electric Power Cooperative, Inc.; Receipt of Information for Antitrust Review of Operating License Application

The Kansas Gas and Electric Company, acting for itself, Kansas City Power and Light Company and Kansas Electric Power Cooperative, Inc., filed information for Antitrust Review of an Operating License Application, dated May 6, 1980. This information was filed pursuant to § 2.101 of the Commission's rules and regulations and is in connection with the plans of Kansas Gas and Electric Company, Kansas City Power and Light Company and Kansas Electric Power Cooperative, Inc. to operate a pressurized water reactor located on a site in Coffey County, Kansas. This reactor has been designated as the Wolf Creek Generating Station, Unit No. 1.

The portion of the application filed contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the Federal Register and will be sent to Washington and local public document room and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice. The results of any reevaluation that are requested will also be published in the Federal Register and copies sent to the Washington and local public document room.

A copy of the information for Antitrust Review for Operating License Application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room in the Coffey County Courthouse, Burlington, Kansas 66839.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to

antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 22, 1980.

Dated at Bethesda, Md., this 10th day of July 1980.

For the Nuclear Regulatory Commission,
B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 80-22156 Filed 7-22-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282-OLA, 50-306-OLA]

Northern States Power Co., (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2), Notice and Order for Prehearing Conference

June 25, 1980.

The Atomic and Licensing Board will conduct a prehearing conference pursuant to 10 CFR 2.751a(4)(b) and 2.718(h) beginning at 9:30 a.m., August 6, 1980, in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street, St. Paul, Minnesota 55101. The purpose of the prehearing conference is to consider the petition for leave to intervene filed by the State of Minnesota and the need for further actions in this proceeding. All parties and the petitioner or their respective counsel are directed to attend the prehearing conference.

In order to advance the prehearing purposes of the conference, Northern States Power Company (Licensee) and the NRC Staff are directed to serve responses to the "State of Minnesota's Supplement to Its Petition to Intervene" dated April 24, 1980, on or before July 15, 1980.

It is so ordered.

Dated at Bethesda, Maryland, this 25th day of June, 1980.

For the Atomic Safety and Licensing Board,
Robert M. Lazo,
Chairman.

[FR Doc. 80-21987 Filed 7-22-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 50 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas & Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment revises certain provisions in Section 6 and 5 (Administrative Controls) of Appendices A and B, respectively, to reflect changes in the corporate and facility organizational structure and changes in the Nuclear Audit and Review Committee (NARC) and in the Nuclear Control Board (NCB).

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 31, 1979, and May 9, 1980, and, (2) Amendment No. 50 to License No. DPR-13, including the Commission's transmittal letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, - Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of June, 1980.

For the Nuclear Regulatory Commission,
Dennis M. Crutchfield,
Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 80-21988 Filed 7-22-80; 8:45 am]

BILLING CODE 7590-01-M

[Facility License No. R-81 Special Nuclear Material License No. SNM-639 EA-80-14]

Union Carbide Corp.; Order Imposing Civil Monetary Penalty

I

Union Carbide Corporation, Medical Products Division, P.O. Box 324, Tuxedo, New York (the "licensee") is holder of Facility License No. R-81 and Special Nuclear Material License No. SNM-639 (the "licenses"). License No. R-81 authorizes the operation, at steady-state power levels up to 5,000 kilowatts (thermal), the pool-type nuclear reactor located on its site in Sterling Forest, New York, and is due to expire June 30, 1980. License No. SNM-639 authorizes the use of special nuclear materials in accordance with the statements, representations and conditions specified in the numerous licensee applications and is due to expire January 31, 1981.

II

An investigation of the licensee's activities under the licenses was conducted on January 2-29, 1980, at the Sterling Forest Research Center, Tuxedo, New York. As a result of this investigation, it appears that the licensee has not conducted its activities in full compliance with the conditions of the licenses. A written Notice of Violation was served upon the licensee by letter dated April 7, 1980, specifying the item of noncompliance, in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was concurrently served upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation, which stated the nature of the item of noncompliance and the provisions of NRC Regulations and license conditions.

An answer dated April 28, 1980, to the Notice of Violation and the Notice of Proposed Imposition of Civil Penalties was received from the licensee on May 5, 1980.

III

After consideration of the answer received and the statements of fact, explanation, and argument in denial or mitigation contained therein, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the item of noncompliance designated in the Notice of Violation should be mitigated to One Thousand Dollars.

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act

of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205. It is hereby ordered that:

The licensee pay the civil penalty in the total amount of One Thousand Dollars within twenty-five days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within twenty-five days of the date of this Order, request a hearing. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's regulations as designated in the Notice of Violation referenced in Sections II and III above; and,

(b) whether, on the basis of such an item of noncompliance, this Order should be sustained.

Dated this 11th day of July 1980, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Victor Stello, Jr.,
Director, Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusion

For the item of noncompliance and associated civil penalty identified in the Notice of Violation (dated April 7, 1980), the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to the item (dated April 28, 1980) is presented.

Statement of Noncompliance

10 CFR 71.5(a) *Transportation of Licensed Material* requires that NRC licensees comply with the applicable packaging and transportation requirements of the Department of Transportation in 49 CFR Parts 170-189.

49 CFR 173.393(j) requires packages with radiation dose rates at certain levels to be shipped in a vehicle consigned as exclusive use.

49 CFR 173.392(c)(9) requires that the shipper must provide specific instructions to the carrier for maintenance of exclusive use shipment controls for low specific activity (LSA) radioactive materials shipped in an exclusive use vehicle. These instructions must be included with the shipping paper information.

Contrary to the above, on December 10, 1979, Union Carbide delivered to a carrier LSA licensed materials with radiation dose rates at the level in 49 CFR 173.393(j) without providing specific instructions for maintenance of exclusive use shipping controls.

This is a Severity Level II Violation (Civil Penalty \$3,000)

Evaluation of Licensee Response

The licensee admits the item of noncompliance but requests that the amount of the civil penalty be reduced. The basis of the request is that although the licensee was the ostensible shipper of the material and prepared the shipping documents, it relied upon the consignee, Nuclear Engineering Company, Incorporated (NECO) to make the shipping arrangements. According to the licensee, it had an understanding and contractual arrangement with NECO, which apparently obligated NECO to provide exclusive use vehicles for the licensee's shipments. It also claims the carrier was obligated by its rate tariff to supply an exclusive use vehicle, and that any violation resulted from confusion as to the respective obligations of NECO and the licensee. The item of noncompliance is not based on whether or not the vehicle was in fact an exclusive use vehicle under NECO's control, but whether the carrier was provided the required instructions. By holding out as the shipper in this instance, the licensee assumed the responsibility for following the applicable Department of Transportation (DOT) regulations. The carrier's tariff is evidence of an intention to offer exclusive use vehicles, but is not sufficient to demonstrate compliance with DOT requirements. Whatever arrangement the licensee had with NECO, the fact remains that the carrier was not provided with the required specific instructions for maintenance of exclusive use shipping controls by either party. The confusion as to respective obligations mentioned by the licensee is not a basis for reducing the penalty, but rather should be viewed as an example of inadequate control of the shipment of radioactive materials by the licensee. However, there is evidence that NECO did provide a vehicle controlled only by NECO. At least the vehicle did not make any

pickups and deliveries not consonant with the requirements imposed on exclusive use vehicles.

Conclusion

Since the particular facts of this case tend to indicate that the licensee (the shipper) was not totally unaware of his obligation to provide shipping instructions and his responsibility for following DOT Regulations, and since the licensee, carrier, and consignee did intend for the carrier to only follow NECO's instructions and apparently an exclusive use vehicle was supplied by NECO, the civil penalty is hereby mitigated to One Thousand Dollars.

[FR Doc. 80-21986 Filed 7-22-80; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1876]

Kentucky; Declaration of Disaster Loan Area

Spencer County and adjacent counties within the State of Kentucky constitute a disaster area as a result of damage caused by severe storm and flash flooding which occurred on July 2, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 15, 1980, and for economic injury until the close of business on April 16, 1981, at: Small Business Administration, District Office, Federal Office Building, Room 188, 600 Federal Place, Louisville, Kentucky 40201; or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 16, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-21981 Filed 7-22-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1874]

New York; Declaration of Disaster Loan Area

The area of 1471-1479 Westchester Avenue, in the City of New York, Bronx County, New York, constitutes a disaster area because of damage resulting from a fire which occurred on May 17, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 15, 1980, and for economic injury until the close of business on April 15, 1981, at: Small

Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007; or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 15, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-21980 Filed 7-22-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 01/01-0305]

Chestnut Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by Chestnut Capital Corporation (Applicant), 111 Devonshire Street, Boston, Massachusetts 02109, with the Small Business Administration pursuant to 13 CFR 107.102 (1980).

The Officers, Directors and Stockholders are as follows:

David D. Croll, 111 Devonshire Street, Boston, Massachusetts 02109, Chairman of the Board and Chief Executive Officer.

E. Roe Stamps, IV, 111 Devonshire Street, Boston, Massachusetts 02109, President and Director.

C. Kevin Landry, 111 Devonshire Street, Boston, Massachusetts 02109, Assistant Clerk and Director.

Francis F. Kingsley, Jr., 111 Devonshire Street, Boston, Massachusetts 02109, Treasurer and Clerk.

Brooke & Company, Inc., 111 Devonshire Street, Boston, Massachusetts 02109, Investment Adviser.

Gesellschaft des burgerlichen, Rechts zur Verwaltung von, US-Wertpapieren, Ismaninger Strasse 57, 8 Munich 80, West Germany, 80 percent.

Chestnut Capital International Limited, Bank of Bermuda Building, Front Street, Hamilton, Bermuda, 20 percent.

The Applicant, a Massachusetts corporation, will begin operations with \$1,500,000 Paid-in Capital and Paid-in Surplus. The Applicant will conduct its operations principally within the six New England States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA rules and regulations.

Notice is hereby given that any person may, not later than August 7, 1980, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Michael K. Casey,
Associate Administrator for Investment.

[FR Doc. 80-22086 Filed 7-22-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0387]

Finevalor Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On February 4, 1980, a Notice was published in the Federal Register (45 FR 7666) stating that Finevalor Capital Corporation, 745 Fifth Avenue, New York, New York 10022, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business February 19, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA, on July 1, 1980, issued License No. 02/02-0387 to Finevalor Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 17, 1980.

Michael K. Casey,
Associate Administrator for Investment.

[FR Doc. 80-22085 Filed 7-22-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 116 (Rev. 4)]

Delegation of authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to grant extensions of time to file income and estimate tax returns is redelegated as set forth in the text of the delegation order which appears below.

EFFECTIVE DATE: July 18, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. George H. Coffin, Jr., 1111 Constitution Ave. NW., Room 7527 CP:C:O, Washington, D.C. 20224, (202) 566-4604 (not toll free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

J. R. Starkey

Director, Collection Division.

[Order No. 116 (Rev. 4)]

Date of issue: July 18, 1980.

Effective Date: July 18, 1980.

Delegation of Authority to Grant Extensions of Time to File Income and Estate Tax Returns.

The authority granted to the Commissioner of Internal Revenue by 28 CFR 1.6081-1, 20 CFR 20.6081-1 and 26 CFR 301.7701-9 to grant extensions of time to file income and estate tax returns, is hereby delegated to District Directors, Assistant District Directors, Director of International Operations, Assistant Director of International Operations, Service Center Directors and Assistant Service Directors:

The authority delegated herein for estate tax returns may be redelegated, but not below:

Advisor/Reviewer, Advisor or Reviewer in the Special Procedures function in District Offices and Office of International Operations.

Senior Tax Examiners in Service Centers.

The authority delegated herein for income tax returns may be redelegated, but not below:

Chief, Special Procedures Staff or Chief, Technical and Office Compliance Branch/ Group in District Offices and Office of International Operations; and full working level Tax Examiners in Service Centers.

Delegation Order No. 116 (Rev. 3), issued January 29, 1979, is superseded.

Jerome Kurtz,

Commissioner.

[FR Doc. 80-22099 Filed 7-22-80; 8:45 am]

BILLING CODE 4830-01-M

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., July 22, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff recommendation to consider Commission action arising out of public hearings on July 10, 1980: Notice of proposed alteration or disapproval of contract market rules; public hearing, FR Vol. 45, No. 132, Tuesday, July 8, 1980, page 45996.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1398-80 Filed 7-21-80; 12:02 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, August 1, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1399-80 Filed 7-21-80; 12:06 pm]

BILLING CODE 6351-01-M

3

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH (NIE).

The National Council on Educational Research hereby gives notice that it has tentatively scheduled meetings to be held in Washington, D.C., on the following dates:

October 31, 1980.
January 23, 1981.
April 29, 1981.
July 28, 1981.
October 2, 1981.

Agendas for these meetings will be published in the Federal Register at a later date.

PERSON TO CONTACT FOR INFORMATION:

Ella L. Jones, Administrative Coordinator, Telephone: 202/254-7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-1395-80 Filed 7-21-80; 2:31 am]

BILLING CODE 4110-39-M

4

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: July 31, 1980, 11:30 a.m.

PLACE: Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Progress Report on the Public Land Resources Research Project.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III, (202) 395-4616.

[S-1402-M Filed 7-21-80; 4:21 pm]

BILLING CODE 3125-01-M

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1376.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, July 22, 1980.

CHANGE IN THE MEETING: The following matter was added to the agenda for the closed portion of the meeting:

Whether the World Bank is subject to Title VII of the Civil Rights Act of 1964

A majority of the entire membership of the Commission determined by recorded vote

that the membership of the Commission required this change and that no earlier announcement was possible.

In favor of change:

Eleanor Holmes Norton, Chair
Daniel E. Leach, Vice Chair
Ethel B. Walsh, Commissioner

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued July 21, 1980.

[S-1387-80 Filed 7-21-80; 11:11 am]

BILLING CODE 6570-06-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR Page 48765, July 21, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 24, 1980.

PLACE: 1700 G St., N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6877)

CHANGES IN THE MEETING:

The following items have been added to the agenda for the open meeting—

Merger—Wilkes Savings and Loan Association, Wilkesboro, North Carolina
INTO Burke County Savings and Loan Association, Morgantown, North Carolina
Request for a Commitment to Insure Accounts—Community Savings and Loan Association, Jacksonville, Duval County, Florida

Regulation on Reserve Accounts
Regulation on Reserve Requirements
Regulation on Amendments Regarding Mergers.

Announcement is being made at the earliest practicable time.

No. 387, July 21, 1980.

[S-1401-80 Filed 7-21-80; 3:33 pm]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: July 17, 1980, 45 FR 48020.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: July 22, 1980, 9 a.m.

CHANGE IN THE MEETING: Addition of the following item to the open session:

11. Agreement No. 10178-1: Modification of the Gulf/North Europe Discussion Agreement—Application for two-year extension of term of approval.

[S-1394-80 Filed 7-18-80; 5:10 pm]

BILLING CODE 6730-01-M

8

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, July 28, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed negotiations of a renovation project at the Federal Reserve Bank of Kansas City.
2. Proposed purchases, under competitive bidding, of computer equipment within the Federal Reserve System.
3. Review of architectural and engineering services related to the proposed new Jacksonville Branch building project of the Federal Reserve Bank of Atlanta.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 18, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-1393-80 Filed 7-18-80; 5:10 pm]

BILLING CODE 6210-01-M

9

NATIONAL RAILROAD PASSENGER CORPORATION. (Board of Directors).

In accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation notice is given that the Board of Directors will meet on July 30, 1980.

A. The meeting will be held on Wednesday, July 30, 1980, in the Brown Palace Hotel, 321 Seventeenth Street, Denver, Colorado, beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation; Meeting of the Board of Directors—July 30, 1980

Closed session (9:30)

1. Internal personnel matters.
2. Litigation matters.

Open session (10:30)

3. Approval of Minutes of Regular Meeting of June 25, 1980.
4. Presentation: Status Report on Decentralization.
5. Update on Equipment Performance.
6. Board Committee Report Organization & Compensation.
7. President's Report.
8. New Business.
9. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3973.

Elyse G. Wander,
Corporate Secretary.

July 21, 1980.

[S-1396-80 Filed 7-21-80; 10:21 am]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of July 21 (Revised).

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open/Closed (Changes).

MATTERS TO BE CONSIDERED:

Monday, July 21

9:30 a.m.

Budget Presentations (Approximately 3 hours—closed-exemption 9)—Inspection and Enforcement.

2 p.m.

Budget Presentations (Approximately 3 hours—closed-exemption 9)—Nuclear Regulatory Research.

Tuesday, July 22

1 p.m.

Briefing by Executive Branch on Export Matter (Approximately 1 hour—closed-exemption 1).

2 p.m.

Budget Presentations (Approximately 3 hours—closed-exemption 9)—Nuclear Reactor Regulation.

Wednesday, July 23

9 a.m.

Budget Presentations (Approximately 3 hours—closed-exemption 9)—Standards Development/Nuclear Material Safety and Safeguards.

1 p.m.

1. Discussion of Management Organization and Internal Personnel Matters (Approximately 1½ hours—closed-exemptions 2 and 6).

2. Discussion and Vote on Final Rulemaking on Emergency Preparedness (Approximately 2 hours—public meeting—rescheduled from July 17).

Thursday, July 24

9:30 a.m.

Budget Presentations (Approximately 3 hours—closed-exemption 9)—Administration/EDO Offices.

2 p.m.

1. Budget Presentations (Approximately 3 hours—closed-exemption 9)—Continuation of EDO Offices/Commission Offices.

2. Affirmation Session (Approximately 10 minutes—public meeting)—

a. Petition for Reconsideration-Denial of Intervenor Funding (TENT).

b. Order in Psychological Stress at TMI (TENT).

3. Time Reserved for Discussion and Vote on Affirmation Items (if required—Approximately 15 minutes—public meeting).

Friday, July 25

2 p.m.

1. Budget Presentations (closed-exemption 9)—Commission Offices (continued if required).

2. Discussion of Indian Point (Approximately 2 hours—public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Roger M. Tweed,

Office of the Secretary.

July 17, 1980.

[S-1400-80 Filed 7-21-80; 12:25 pm]

BILLING CODE 7590-01-M

Wednesday
July 23, 1980

Part II

Department of the Interior

Bureau of Indian Affairs

**Referendum To Permit the Yurok Voters
To Determine Whether They Wish To
Consider a Formal Organization Through
the Creation of an Interim Yurok
Governing Committee**

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 55b

Referendum To Permit the Yurok Voters To Determine Whether They Wish To Consider a Formal Organization Through the Creation of an Interim Yurok Governing Committee

July 18, 1980.

AGENCY: Department of the Interior, Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: On May 7, 1980, there was published in the Federal Register (45 FR 30302) a proposed rule governing the conduct of a referendum election to determine whether the Yurok Tribe of the Hoopa Valley Reservation desires to establish a representative interim Yurok governing committee. In response to public comments, certain changes have been made to the proposed rule. It is now being published in final form.

EFFECTIVE DATE: The new regulations will become effective August 22, 1980.

FOR FURTHER INFORMATION CONTACT: William E. Finale, Area Director, Bureau of Indian Affairs, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA. 95825, Telephone: (916) 484-4682, or Norman L. Sahmaunt, Assistant to the Area Director, Bureau of Indian Affairs, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA. 95825, Telephone: (916) 484-4766.

SUPPLEMENTARY INFORMATION: This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The referendum is proposed as the next step in implementing the plan for the eventual establishment of a reservation-wide body to manage the resources of the Hoopa Valley Reservation as set forth in the message of November 20, 1978, from the Assistant Secretary—Indian Affairs.

The plan provides for the election of an Interim Yurok Governing Committee whose primary responsibility would be to draft a proposed Yurok tribal constitution. Such an election was initiated; however, a temporary injunction issued by the United States District Court for the Northern District of California stopped the opening and counting of the ballots pending determination of the action entitled *Florence Beaver, et al., v. Secretary of the Department of the Interior, et al.*, Civil No. C-79-2925-SW, U.S. D.C., N.D.

Calif. The case was dismissed without prejudice as moot when the Secretary of Interior agreed: (1) To destroy the ballots, unopened and uncounted, and (2) that should the Secretary propose to conduct an election of a temporary or permanent governing committee, a constitutional drafting committee or any other body purporting to be representative of the voters identified in 25 CFR Part 55, a referendum would be held in accordance with law to determine whether such an election would take place.

The referendum will be conducted in accordance with the judgment in the *Beaver* case. It is a step toward filling the continuing need for a Yurok body which can address the concerns of the Yurok people as they relate to the use and benefit of resources of the Hoopa Valley Reservation.

The proposed regulations were sent to all adult persons whose names appear on the Yurok voters' list established in 25 CFR Part 55, and to members of the Hoopa Valley Tribe. The mailing totaled 3,117 and 804, respectively.

Written comments were received from an attorney for the plaintiffs in *Short v. United States*, No. 102-63 in the U.S. Court of Claims. Comments were also set forth in letters, each signed by one or more individuals. One letter was unsigned. A total of 108 signatures were counted on those comments timely received.

Of the above comments, seven were substantive. The remaining responses merely expressed how each would vote in the referendum. The comments are discussed below.

These regulations set forth the procedural details for a referendum vote by the Yurok people. This rule is in compliance with the decision in the *Florence Beaver* case in which the Secretary of the Interior agreed to hold a referendum among the Yurok voters to determine whether they wish to elect any kind of temporary or permanent tribal governing body before going forward with such an election.

The referendum will provide an opportunity for the Yurok voters to formally express their opinions on whether they do or do not wish to establish an Interim Yurok Governing Committee. Voter opinion on the establishment of a tribal government does not determine the issue of individual entitlement to assets of the Hoopa Valley Indian Reservation which is being litigated in the *Short* case. Discussion of this point is contained in the Comments and Modifications below.

Comments and Modifications

1. The attorney for more than 3,500 plaintiffs in the *Short* case inquired whether the Government has changed its position with respect to its comments published with the regulations in 25 CFR, Part 55, 44 FR 24536, concerning the effect of the organization of the Yurok Tribe on the case entitled *Short v. United States*, No. 102-63, in the United States Court of Claims. There has been no change of view. That litigation involves the issue of whether the individual plaintiffs will receive individual awards of money as damages from the United States. Whether the Yurok Tribe, which is acknowledged to be one of the Indian tribes for whom the United States recognizes trust responsibilities (44 FR 7235, 7237, January 31, 1979) adopts a formal government, i.e. "organizes", or remains without a formal government does not affect any interest which the tribe has in the Hoopa Valley Indian Reservation. Hence an organized Yurok Tribe would be in no more competition with the individual *Short* plaintiffs than the Yurok Tribe in its present unorganized state.

2. Two commentators expressed the opinion that the referendum was a ploy to delay the payment of any distribution of reservation assets. As stated above, these regulations are proposed in compliance with the court's decision in the *Florence Beaver* case and have no bearing on the Court of Claims decisions on entitlement in the *Short* case.

3. Another commentator stated that the Yurok people could organize on their own without Bureau of Indian Affairs involvement. Certainly, the Yurok people are encouraged to initiate the necessary steps to form a tribal government. Such a formal government would give the Yurok community an early opportunity to receive many benefits of which it is currently deprived. It would enable the Yurok community to participate in the future management of tribal assets of the Hoopa Valley Indian Reservation and to benefit from other programs the Federal Government makes available to Indian people only through a tribal government.

Our purpose in preparing and publishing these regulations is to provide the Yurok people an opportunity to declare, through a referendum vote, whether or not they wish to elect an interim governing committee.

Neither these proposed regulations nor the regulations which provide for the election of an Interim Yurok Governing Committee (25 CFR Part 55 and Part 55a) are intended to co-opt any initiative by the Yurok people

themselves to organize a tribal governing body.

The above regulations simply provide a framework in which the Yurok people can organize; the form of this government and its functions are a matter of tribal concern, not that of the Federal Government.

4. One commentator questioned whether eligibility to vote in the referendum had been established. The proposed regulations base voting eligibility for this referendum on the qualifications set forth in 25 CFR Part 55.3 (44 FR 24539, 24540). A list of eligible voters will be updated to include individuals who will be eighteen years of age or older on the date of the referendum.

5. The attorney for the *Short* plaintiffs pointed out that the definition for "voters", § 55b.1(a), requires that a voter be a Yurok, and that in so using the term "Yurok" exclusively, the effect is to disenfranchise any individual on the voters' list who is not of Yurok descent.

The voting list prepared in accordance with qualifications set forth in 25 CFR Part 55 is not restricted to those with Yurok Indian blood only. As pointed out in the "Comment and Modification" section of that final rule (44 FR 24538, 24539), the qualifications adopted were purposely chosen so as not to seem to anticipate future membership requirements. It is not the intention nor within the authority of these regulations to deny the right to vote to any qualified adult, whether of Yurok descent or not. To avoid this construction of the term, however, we have amended the definition of "voters" to read "persons" instead of "Yuroks".

6. The same commentator notes that Indians of the Hoopa Valley Indian Reservation who are not members of the Hoopa Valley Tribe are Indians of diverse tribes, not just of the Yurok tribe. Yet, states the commentator, the proposed regulations imply that benefits to be derived from a formal tribal organization are discussed only in reference to the "Yurok people" and "Yurok Tribe".

The concern of these regulations is with providing the Yurok Tribe the means for organizing a formal governing body. The Yurok Tribe's existence as a tribal group, acknowledged by the Department of the Interior, is the basis for the formation of such a tribal government. The Department of the Interior has not acknowledged that all of the Indians of the reservation exist as tribal groups. Thus, at this time, no basis for forming other additional tribal governments exists as to Indians of the reservation. The benefits to which these regulations refer are those which would

be available to a formally organized Yurok Tribe. It is anticipated, however, that if the Yurok Tribe organizes and adopts membership criteria that such criteria may permit membership in the Yurok Tribe by Indians of other than Yurok blood. Such an action would not be inconsistent with the standards initially adopted by the Hoopa Valley Tribe and many other tribes who have not limited the membership of a newly organized tribe to the blood of the tribe. Further, as has been said before in connection with the organization of the Yurok Tribe, the organized tribe would be free to choose a name other than the Yurok Tribe.

7. One commentator states that the proposed rule gives an inaccurate definition for the term "Hoopa Valley Reservation" in that the addition in 1891 to the Hoopa Valley Reservation is described as consisting of only the so-called "Connecting Strip". In fact, this addition to the Hoopa Valley Reservation (originally established by Executive Order in 1876 and referred to as the "Square") included both the former Klamath River Reservation and the "Connecting Strip". We have, therefore, amended the definition to read "Hoopa Valley Reservation" means the Hoopa Valley Reservation as extended by the Executive Order of October 16, 1891."

8. Other minor modifications in the form of language changes have been made for the purpose of clarity.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is Tina Hanson, Claims Clerk, Sacramento Area Office, Bureau of Indian Affairs, Department of the Interior, 2800 Cottage Way, Sacramento, CA 95825 (916) 484-4766.

Subchapter G of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part to read as follows:

PART 55b-REFERENDUM ELECTION TO DETERMINE WHETHER THE YUROK TRIBE OF THE HOOPA VALLEY RESERVATION DESIRES TO ESTABLISH A REPRESENTATIVE INTERIM YUROK GOVERNING COMMITTEE.

Sec.

55b.1—Definitions.

55b.2—Purpose.

55b.3—Conduct of the referendum.

55b.4—Monitoring the referendum count.

55b.5—Referendum protests.

55b.6—Follow-up on referendum results.

Authority: 5 U.S.C. 301, R.S. 463 and 465, 43 U.S.C. 1457, 25 U.S.C. 2 and 9, and Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

§ 55b.1 Definitions.

As used in this part:

(a) "Voters" means those persons who are at least 18 years of age and living on the referendum date, and who otherwise meet the qualifications set forth in 25 CFR 55.3. Such individuals are eligible to participate in the referendum to determine whether an Interim Yurok Governing Committee should be established.

(b) "Referendum" means an election conducted in accordance with the judgment entered in the *Beaver* case (*Florence Beaver, et. al., v. Secretary of the Department of Interior, et. al.*, Civil No. C-79-2925-SW, U.S.D.C., N.D. Calif.) to determine whether the voters approve or disapprove of an election of an Interim Yurok Governing Committee as provided for in 25 CFR Part 55a.

(c) "Interim Yurok Governing Committee" means an eight-member committee of persons nominated from and by the voters and elected by the voters to serve as a temporary governing body of the Yurok Tribe, whose primary responsibility is to draft a proposed tribal constitution for consideration by the voters.

(d) "Hoopa Valley Reservation" means the Hoopa Valley Indian Reservation, as extended by the Executive Order of October 16, 1891.

(e) "Referendum Date" means the deadline for receipt of ballots. Such date, to be established by the Area Director, shall not be less than thirty (30) days after these regulations become effective.

(f) "Area Director" means the Area Director, Bureau of Indian Affairs, Sacramento Area Office, or his/her authorized representative.

(g) "Voters List" means the list of voters prepared pursuant to 25 CFR Part 55.

(h) "Validly Cast Ballot" means a ballot provided to an eligible voter by the Area Director. Such ballots must be received by the Area Director only through the United States Postal Service no later than the close of business on the referendum date and must be marked either YES or NO in the space provided. A ballot sent any place other than the Sacramento Area Office shall *not* be considered validly cast.

§ 55b.2 Purpose.

The purpose of these regulations is to establish procedures for conducting the referendum defined in § 55b.1 (b), *supra*.

§ 55b.3 Conduct of the referendum.

(a) By the effective date of these regulations, the Area Director shall cause ballots to be prepared in the following form:

Do You Favor the Establishment of An
Interim Yurok Tribal Governing Committee?

— Yes — No

On the effective date of these regulations, or as soon as possible thereafter, the Area Director shall cause ballots to be mailed to those on the voters list for whom addresses are known. Included with each mailed ballot shall be a notice of the exact date of the referendum and instructions for voting. Ballots shall be sent and received through the U.S. Postal Service; No Other Form of Delivery Will Be Accepted.

(b) Each voter wishing to cast a ballot shall mark the ballot provided and mail it to the Sacramento Area Director at the address given in the voters' instructions. Only ballots determined to be validly cast shall be counted.

(c) The Area Director shall then cause the opening and counting of the ballots, posting of the results, the issuing of a certification of the referendum and publication of the certificate in daily newspapers of general circulation in the vicinity of the reservation.

(d) The result of the referendum will be determined by a simple majority of the validly cast ballots.

§ 55b.4 Monitoring the referendum count.

Ballots will be opened and counted at a place to be determined and arranged by the Area Director in one of the following locations: Eureka, Arcata, Klamath, or Crescent City. The Area Director shall cause to be sent to each voter a special notice of time and place for counting ballots prior to the referendum date. Any interested person may be present to observe the opening and counting of the ballots.

§ 55b.5 Referendum protests.

(a) Any person whose name appears on the voters list may protest the manner in which the referendum was conducted by filing a written statement to be received by the Sacramento Area Director within five (5) days following the date the referendum certification is published. The Area Director shall review all protests and promptly respond to each one by certified mail, return receipt requested.

(b) Any person whose protest is denied, may appeal the Area Director's decision directly to the Commissioner of Indian Affairs, whose decision on the protest shall be final for the Department.

(c) In order to be considered, any appeal of the Area Director's decision must be in writing, stating the complete basis for the appeal, and be received by the Commissioner within ten (10) days of receipt by the appellant of the Area Director's decision.

§ 55b.6 Follow-up on referendum results.

In the event the referendum results favor an election for an Interim Yurok Governing Committee, the Area Director shall call for an election based on 25 CFR Part 55a, within 60 days after the referendum results have been certified.

Theodore C. Krenzke,

Acting Deputy Commissioner of Indian Affairs.

July 18, 1980.

[FR Doc. 80-22034 Filed 7-22-80; 8:45 am]

BILLING CODE 4310-02-M

Wednesday
July 23, 1980

Department of Health and Human Services

Part III

**Department of
Health and Human
Services**

Office of Human Development Services

**Cooperative Research and Demonstration
Project Grants; Availability of Financial
Assistance Funds**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Office of Policy Development

Cooperative Research and Demonstration Projects; Program Announcement No. 13647-804

AGENCY: Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Financial Assistance Funds for the Office of Program Development, Research and Demonstration Grant Program.

SUMMARY: The Office of Human Development Services (HDS), Office of Policy Development (OPD), announces that competing applications will be accepted for new research and demonstration grants and cooperative agreements authorized by Sections 1110 and 1115 in Title XX of the Social Security Act as amended.

DATE: The closing date for receipt of all applications is September 8, 1980.

Scope of This Program Announcement

This program announcement discusses research and demonstration funding priorities for FY 1981 and the first quarter of FY 1982 which support HDS Title XX long range goals.

Program Purpose

Grants and cooperative agreements funded by HDS are for research or demonstration projects which will add to existing knowledge and improvement of new methods and techniques for the planning, management, delivery, and coordination of social services programs. Cooperative agreements are discussed in the Federal Register, Volume 44, No. 121/Published June 21, 1979.

Program Goals and Objectives

The thrust of the HDS Title XX research and demonstration program is to support improvements of State and local governments' capability to furnish services directed at the following goals:

1. Achieving economic self-support and preventing, reducing, eliminating dependency.
2. Achieving/maintaining self-sufficiency, including reduction of dependency.
3. Preventing/remedying neglect, abuse, or exploitation and preserving/rehabilitating/reuniting families.
4. Reducing inappropriate institutionalization.

In order to achieve these goals, public knowledge is needed on several critical issues. The following research and demonstration program objectives are intended to assist in obtaining this information:

1. To provide a sound basis for effective recipient program operation by improving and promoting innovative policy development, management, information/reporting, service delivery and accountability of the Title XX program.
2. To promote quality service by improving the capability of State and local Title XX and provider agency staff.

Program Priorities for Funding

For Fiscal Year 1981, and the first quarter of Fiscal Year 1982, applications are solicited for projects which address major long-range HDS Title XX goals. In this regard, OPD has identified certain specific priority projects which reflect those goals and which are described in more detail in the application kit. The priority projects are identified by a number in parenthesis after each project title. *The appropriate number must be used on all applications and correspondence which relate to the project.*

Applicants may also submit a proposal for a project not identified in this program announcement but which is relevant to HDS Title XX goals. These applications will be designated as nonpriority but will also be subject to the panel review process. A limited number of projects will be funded from money set aside for nonpriority proposals. They will compete with other nonpriority projects.

Priority Projects

Title XX Waiver Demonstration Projects of National Significance—(OPD-RD-1) The purpose of these projects is to encourage the Title XX single State agencies (or counties, districts and other organizations through the single State agency) to use the Section 1115 demonstration project authority to undertake experimental, pilot, or demonstration projects of national significance that may: (1) Involve waivers of the requirements of Sections 2002, 2003, or 2004 of Title XX of the Social Security Act as amended, or (2) incur costs not otherwise allowable as expenditures under Section 2002.

These projects should demonstrate innovative approaches to planning, eligibility determination, service delivery, fiscal accountability, training or management so that Federal policy in these areas can be examined. In the

past, these demonstrations have included:

1. A combined Section 1110/1115 project which demonstrates that selected Title XX regulations may be hampering agencies in providing quality services to youth in need. The Section 1110 portion is composed of a research study and a training component. The Section 1115 component includes a waiver of Section 2002(a)(6)(A)(B) of Title XX of the Social Security Act which will allow the State to make adolescents involved in Commission on Delinquency programs eligible for services on a group basis. The grant also premitted costs that would not otherwise be eligible for Federal financial participation.

2. A Section 1115 waiver only project which consists of developing a three year planning process, format and plan for Title XX services and two State children's services programs, training staff in its implementation, and evaluating the effectiveness of the approach. The State was granted a waiver of the annual planning requirements of Section 2004 and 45 CFR Part 228, Subpart C in order to carry out this activity.

3. A Title XX Training Improvement Project which seeks to demonstrate that by waiving 45 CFR 228.81(c) and 45 CFR 228.84(g) of the Title XX regulations which restrict who may be trained and who may do training, the management and delivery of Title XX services may be improved. The project is using an experimental approach to test the improvement of program performance. This project is using both the waiver authority and special Federal project funds authorized by Section 1115.

4. A Section 1115 demonstration project which uses the authority of Section 1115(a)(2) to permit Federal financial participation in training activities that would not ordinarily be allowed under Subpart H, Training and Retraining, §§ 228.81(a) and 228.84(b)(C)(1) and (2) of the Federal regulations for Title XX. This project will develop a transferrable model for training Indian leaders in the development and management of social services delivery systems. Products of the project will include the construction of a human services capacity building manual and an index of training materials and agency and organizational resources. Other activities aimed at increasing the capacity of Indian Tribal leaders in social services planning and management are also included as part of this project.

5. An Indian Child Welfare Training and Demonstration Project which is using a waiver of the regulatory requirements at 45 CFR 228.81(c) in

order to train tribal personnel who are serving as staff of Indian Tribal Child Placement Agencies. These agencies have been developed to demonstrate an alternative model for State agency delivery of Title XX and Title IV-B services to Indians.

6. A waiver only project which involves a waiver of the requirements of Section 2004(2) and (3) and the appropriate implementing regulations for one fiscal year in order to permit the State to synchronize State and Federal planning requirements. This project will permit the State to reorder its program planning and budgeting activities so that the proposed CASP is prepared prior to the State legislature's review of the Governor's annual budget.

7. A Title XX waiver only project which provides a basis for ongoing local funding of Parents Anonymous through the use of Title XX funds. In order to continue this project after the demonstration phase, current Title XX regulations pertaining to documenting eligibility would have to be revised. The project will (1) document that maintaining the anonymity of parent consumers of Parents Anonymous services is essential for having parents initially utilize the service and continue to participate in the service, and (2) to establish that parents participating in Parents Anonymous meet the Federal standards for providing the service without regard to income as stated in 45 CFR 228.65(a)(1) since they are persons responsible for children under the age of eighteen, whom they have harmed or threatened with harm, etc. The ultimate goal of this project is to allow local districts, at their option, to expand a portion of their Title XX allocation to contract with local chapters of Parents Anonymous to provide their self-help services.

However, States must focus on, and convincingly discuss, specific changes in the law or regulations which enhance program development and operations.

Initiatives With Substantial Regional Office Involvement and Priority—(OPD-RD-2)

The purpose of this project is to encourage State and local agencies to focus on local issues that impact geographical segments of the country rather than the whole nation. These issues may overlap State boundaries and, perhaps, even the HDS Regional Office boundaries. These projects may relate to policy, service delivery, management issues, or technology transfer. This priority will provide funding for important projects with less than nationwide interest. Appropriate applications might include, but not be

limited to, the following kinds of projects:

1. Analysis of social services to Cuban refugees.
2. A study of the social services needs of migrants.
3. Effectiveness of child abuse services to military personnel.
4. Coordination and integration of services at the local level to promote service effectiveness, and cost avoidance.

Improving Adult Protective Services Program—(OPD-RD-3)

Purpose

The purpose of this project area is as follows:

1. To examine how well a group of selected States (county and local Title XX agencies) provide protective services to adults within the Title XX program (methods used, scope and outcomes).
2. To develop the methodology(ies) which will assist State and local title XX agencies to make more effective use of social and legal interventions; with particular attention directed to such legal interventions as power of attorney, conservatorship, guardianship (including corporate guardianship) and commitment to an institution with particular emphasis on the poverty group within the population.
3. To design, and test model components of an adult protective service program that enable practical, cost-effective and equitable provision of services to medium and low income adults who might otherwise be candidates for institutional care.

The design of the models should reflect a concern for their application to direct public social service practice at the county and local level, rather than to structural, organizational systems analysis, theoretical formulations, etc.

Improving Management Practices and Technologies in Title XX Agencies (OPD-RD-4)

The purpose of this project is to provide an opportunity for a State agency, or a nonprofit organization by itself or in cooperation with a State agency, to: (1) Identify critical areas for management improvement (including, but not limited to, model accounting systems, model procurement manuals, model personnel systems, model audit agency guides); or (2) utilize a common language and taxonomy; or (3) develop and demonstrate innovative approaches for bringing about improvements in selected service areas; or (4) transfer technology to other interested States.

During fiscal year 1979, the following grants were awarded in response to the

Federal Register announcement of this priority:

1. A State was awarded a grant to identify and quantify a set of Workload Standards for caseworkers. Using existing data, they will develop a way to forecast the amount of caseworker and supervisor time that would be required by each new case as it entered the system.

2. A State was awarded a grant to demonstrate that the management of social services programs can be improved by using work methods technology (a group of techniques for examining tasks and determining how to do them better). The project will apply work methods technology to the State's Protective Services to Children Program. Models will be developed and tested, and project findings will be documented and disseminated.

3. A State was awarded a grant to analyze the State's new Community Social Services Act to develop service delivery models, demonstrate methods of management and evaluation, strengthen state-county liaison, and provide technical assistance to county Title XX staff.

Research on Client Outcome—(OPD-RD-5)

There is a clear-cut need to improve the flow of systematic information to Title XX and other human service managers on what happens to the recipients of social services. Information on outcomes is an essential component of the data that should be available to recipient program and policy decision makers.

Incentive grants or cooperative agreements will be provided to those States, counties, or local governments, who are willing to implement client outcome monitoring procedures and who describe and propose methods for utilizing outcome data for management decision making which alters service delivery policy and programs.

Independent, third party evaluations will be required in those agencies utilizing the alternative approaches currently being developed to: (1) Identify problem areas where additional investment or resources or improvement of technology is needed; (2) identify effective programs and procedures; (3) monitor outcomes following program and policy changes; and (4) reduce cost.

Technical Assistance to Title XX Waiver Projects of National Significance—(OPD-RD-6)

The purpose of this project is to promote and facilitate the efforts undertaken by States as they attempt to implement Title XX waiver projects.

This includes research and technical assistance to States as they conduct demonstrations on whether selected Title XX regulations hamper their agencies in providing quality services to clients in need and in carrying out efficient programs.

Many of the States' problems, it is felt, are in the area of planning, eligibility determination, service delivery, fiscal accountability, training and management. This project will assist States in conducting research and designing appropriate instruments to assess the impact of the waivers, by providing technical assistance in the interpretation of data from the Section 1115 projects in terms of achievement of objectives of the projects and client outcomes, and in terms of changes in services and program operations. Technical assistance will also be made available to assist the State grantee(s) in overcoming problems identified in their analyses, and in their implementation of the project(s).

Eligible Applicants

Section 1110 Grants and Cooperative Agreements. Any State, public or other nonprofit organization or agency may apply for a Section 1110 grant or cooperative agreement under this announcement.

Section 1115 Grants and Cooperative Agreements. Under Section 1115, applications for grants and cooperative agreements may be made only by a State agency designated as the single State agency for a Social Security Act program. Applications jointly developed by State and local community multiprogram social services agencies, foundations, and universities are encouraged in order to promote a comprehensive approach to complex issues involved in developing and administering social services programs. It is possible for a State that is below its Title XX ceiling to act as the lead State in a consortium with other States. In this way, the lead State can draw on its regular Federal funds, using a Section 1115 grant or cooperative agreement, and then the lead State can contract with other States who will participate in the study project.

Available funds

The Office of Policy Development, Division of Research and Demonstration expects to award up to \$800,000 in FY 1981 and up to \$500,000 in first quarter FY 1982 for new and competing continuation grants and cooperative agreements funded under Section 1110 and 1115 of the Social Security Act as amended.

A new grant or cooperative agreement is the initial grant or cooperative agreement made in support of a project requested on an application. A competing continuation grant or cooperative agreement is the financial assistance made in support of an existing project to continue the project beyond the project period for which the initial grant or cooperative agreement was made.

It is expected that approximately nine new awards will be made pursuant to this announcement. The size of each award is expected to range from \$150,000 to \$300,000 per year with the average award expected to be \$225,000. Actual figures may vary widely and eligible applicants requiring smaller awards should also apply. Generally, projects will be supported for periods from one to three years.

Project startup dates will vary from October 15, 1980, through December 31, 1981. The funds provided in the initial award will generally sustain the budget for the first year of the project. Support for any additional time remaining in the project period depends on funds available, the grantee's satisfactory performance on the project for which the award was made, and the best interests of the Government.

In Fiscal Year 1977, approximately 120 applications for cooperative research and demonstration projects were accepted for review and evaluation. Approximately \$1,385,000 was awarded to 22 grantees for new research and demonstration projects.

In Fiscal Year 1978, approximately 150 research and demonstration applications were accepted for review and evaluation. Approximately \$660,000 was awarded to 6 grantees for new research and demonstration projects. There are five major thrusts for the OPD R&D effort. These areas focus on: (1) Management improvements; (2) improved service delivery models; (3) program policy development; (4) program evaluation; and (5) special initiatives.

In Fiscal Year 1979 and first quarter Fiscal Year 1980, approximately 45 research and demonstration applications for Title XX grants were accepted for review and evaluation, approximately \$876,980 was awarded to grantees for new research and demonstration projects. These projects were also focused to promote management improvements, improved service delivery models, program policy development, program evaluation, and special initiatives.

A summary of the Fiscal Year 1979 discretionary grant resource allocations in these areas follows:

Areas	Number of title XX grants	Approximate amount
Management Improvements.....	3	\$232,990
Improved Service Delivery Models...	1	150,000
Program Policy Development.....	1	165,000
Program Evaluation.....	1	172,000
Special Initiatives.....	3	156,984

Grantee Share of the Project

SECTION 1110. Grantees receiving financial assistance to conduct projects are expected to contribute some portion of the project costs for each year for which funding is requested. Generally, five (5) percent is considered acceptable. No Section 1110 grant or cooperative agreement will cover 100 percent of project costs.

SECTION 1115. Special Federal project grant or cooperative agreement funds received under Section 1115 are available to be used as the single State agency matching funds to obtain regular Title XX Federal share funds. It should be noted that except for training components of a project the regular Federal share funds under Title XX of the Social Security Act must come from the State agency's allotment.

Section 1115 grants or cooperative agreements that require the entire costs of the demonstration project to be covered by Federal funds are discouraged.

The Application Process

1. Availability of Application Forms. Application kits which contain the prescribed application forms and supplemental descriptive project information for projects are available from: Dr. David W. Fairweather, Acting Director, Division of Research and Demonstration, Office of Policy Development, Room 2412, 330 "C" Street SW., Washington, D.C. 20201.

(Attention 13647-804). All written requests *should contain* a self-address mailing label to facilitate a prompt response.

2. Application Submission. In order to be considered for a Section 1110 or section 1115 grant or cooperative agreement, all applications must be submitted on standard forms provided for this purpose by the Division of Research and Demonstration.

In addition to submitting applications to the Division of Research and Demonstration, prospective grantees must simultaneously submit one of the two copies to their State's Regional Office. The Regional Office will review and submit written comments to the Director, Division of Research and Demonstration on the merits of the proposal.

The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the financial assistance award. One signed application and two copies including all cover letters and attachments, are required.

As part of the project title (application form 424-101, item 7) *the applicant must clearly indicate* whether the application submitted is in response to a priority project identified in this announcement, and must reference the unique project identifier (OPD-RD-1, OPD-RD-2, etc.) for which the application is to compete. *Applications lacking such a designation will be considered as nonpriority and will compete accordingly.*

3. *A-95 Notification Process.* This program is not covered by the requirements of OMB Circular A-95.

4. *Application Consideration.* The Director, Office of Policy Development determines the final action to be taken with respect to each application. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly. Letters of support or other materials must be submitted with the application. *Letters of support received after the respective closing dates (see Section II) will not be appended to applications under any circumstances.* Applications for priority projects which are received after the closing date (see Section I) will be considered as nonpriority applications and will compete accordingly. Nonpriority projects may be submitted at any time and those received after one closing date will be held for the next competitive review. Otherwise, all accepted applications will be considered for funding.

All accepted applications are subjected to a competitive review and evaluation conducted by a panel of qualified persons independent of the Office of Policy Development. The results of the competitive review assist the Director's consideration of the competing applications. Comments on the applications will also be obtained from appropriate Regional and Central Office specialists, and consultants inside and outside of the Government. After the Director, Office of Policy Development has reached a decision either to fund a competing application or to disapprove it, the applicant will be notified of that decision.

5. *Financial Assistance.* The Director, Office of Policy Development makes financial assistance awards consistent with the purposes of the Social Security Act and the program announcement

within limits of Federal funds available. The official award document is the Notice of Financial Assistance Awarded. The Notice of Financial Assistance Awarded sets forth in writing to the recipient the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the effective date of the award, the budget period for which support is given, the total project period for which support is contemplated, and the total recipient participation, if any.

In accordance with the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-244), it is anticipated that one appropriate assistance instrument to be used by OPD will be the cooperative agreement when substantial involvement is anticipated between OPD and the contemplated activity. This involvement will be reflected in the terms and conditions of the Notice of Financial Assistance and may include:

1. OPD review and approval of one stage before work can begin on a subsequent stage during the period covered by the assistance instrument. For example, this involvement could include the review and approval of the research and demonstration methodology as it relates to the selection of control and experimental groups prior to data collection. It could also include review and approval of any adjustments or direction or redirection of the work in the original workplan included in the application;

2. OPD involvement in the selection of key recipient personnel. This may include the review of resumes for key project staff and participation in subsequent interviews and final recruitment approval/disapproval decisions;

3. OPD and recipient collaboration or joint participation in the performance of the assisted activities. This may include observation of survey activities, participation in pretest of measurement devices and preliminary data analysis, and negotiations with public and private agencies to provide support to the project endeavors.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated against the criteria stated below. Weightings for the criteria vary for each priority project and are included in the supplemental descriptive project information.

1. The project objectives are related to Title XX goals and priorities defined in this program announcement and in the supplemental project information. Project objectives are explicitly described and have measurable

outcomes. Impacted Title XX target groups are individually and quantitatively estimated.

The concept to be researched or demonstrated is reflected in a clear statement of purpose. A literature review indicates the concept is innovative and not duplicative of other efforts.

The knowledge, methods, or technology developed is of national significance in demonstration projects and will be replicable in whole or in part and potentially applicable in areas other than the test sites.

2. A well-defined and carefully worked out methodology (hypotheses to be tested, research design, identification of variables, analytical methodologies, evaluation methods) is included.

The knowledge, methods, or technology developed is such that an impact can be expected on human service programs and target groups.

Tasks and milestones are clearly described and scheduled and the role and assignment of tasks to specific project staff is described in detail. Project outcomes are described in relationship to tasks. The proposed time schedule is reasonable considering the nature of the project. In cases where a specific staff is not proposed in the project, sufficient startup time has been allowed to recruit staff.

The project has an evaluation component which describes data collection and analysis procedures geared to assessment of the degree to which intended objectives are achieved using quantitative measures to the maximum extent feasible. The evaluation is clearly distinguished from activities designed primarily for giving project staff feedback on their progress toward meeting project objectives.

3. The budget is given in detail with justifications. Estimated costs are reasonable considering the anticipated methodology, tasks, and results.

4. Applicability and utilization of the research or demonstration project's results at: (1) National or Regional policy/ program level, or (2) a State or local government agency policy/ program level, are included. Detailed plans for appropriate dissemination procedures are included.

5. A brief and focused record of the applicant organization in conducting related research or demonstration project activities is provided. The applicant provides resumes indicating the qualifications of the (existing and anticipated) project personnel and identifies how those qualifications enable those people to perform their assigned tasks in the project in a competent manner. The applicant

organization has adequate facilities and resources to carry out the project.

The contribution of any collaborative agencies or organizations are assured in writing and included with the application when it is submitted.

The author(s) of the application are clearly identified in the proposal together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

Closing Dates for Receipt of Applications

The closing date for receipt of applications for projects identified in this program announcement is September 8, 1980.

Applications may be mailed or hand delivered to: Division of Grants and Contracts Management, HHS/Office of Human Development Services, Room 1740, HHS-Building, 330 Independence Avenue, SW., Washington, DC 20201, Attention: 13647-804.

Applications must be received at the above address by the closing date. Hand delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered to be received on time if:

1. The application was sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Services; unless it arrives too late to be considered by the independent review panel;

2. The application is received on or before the closing date by the Department of Health and Human Services in Washington, DC. (In establishing the date of receipt, consideration will be given to the time date stamp of the mailroom or other documentary evidence of receipt maintained by HHS.) Catalog of Federal Domestic Assistance Number: 13647 Cooperative Research or Demonstration Projects.

Dated: July 8, 1980.

Jesse J. McCorry,
Acting Director, Office of Policy Development.

Dated: July 18, 1980.

Approved:

Manuel Carballo,
Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-22087 Filed 7-22-80; 8:45 am]

BILLING CODE 4110-92-M

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

- 202-783-3238 Subscription orders and problems (GPO)
"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
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312-663-0884 Chicago, Ill.
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- 523-5239 TTY for the Deaf
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS *
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HHS/FDA		DOT/SLSDC	HHS/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

Deadlines for Comments on Proposed Rules for the Week of July 27 through Aug. 2, 1980.

AGRICULTURE DEPARTMENT

Agriculture Marketing Service—

47693 7-16-80 / Celery grown in Florida; proposed handling regulation; comments by 7-31-80

47692 7-16-80 / Onions grown in certain counties in Idaho and Oregon; proposed handling regulation; comments by 7-31-80

Food and Nutrition Service—

35335 5-27-80 / Food Stamp Program—Food Stamp Issuance and Participation Reporting System; comments by 7-28-80

CIVIL AERONAUTICS BOARD

40994 8-17-80 / Domestic passenger fare flexibility; comments by 8-1-80

COMMERCE DEPARTMENT

International Trade Administration—

37183 6-2-80 / Revision of control status for Hungary; interim rule; comments by 8-1-80

National Oceanic and Atmospheric Administration—

44352 7-1-80 / Marine mammals; seizure, forfeiture, and disposal procedures; comments by 7-31-80

Office of the Secretary—

37374 6-2-80 / Procedures for listing voluntary standards bodies eligible for Federal Agency support and participation, and for a Department sponsored voluntary dispute resolution service for procedural complaints against listed voluntary standards bodies; comments by 8-1-80

COMMUNITY SERVICES ADMINISTRATION

35366 5-27-80 / Grantee public meetings and hearings provision; comments by 7-28-80

35363 5-27-80 / State Agency Assistance Funded under section 231 of the Economic Opportunity Act; comments by 7-28-80

ENERGY DEPARTMENT

44961 7-2-80 / Gasohol allocation and pricing rulemaking; National Environmental Policy Act finding of no significant impact; comments by 8-1-80

Federal Energy Regulatory Commission—

41608 6-19-80 / Regulations governing safety of water power projects and project works; comments by 8-1-80

ENVIRONMENTAL PROTECTION AGENCY

35839 5-28-80 / California State Implementation Plan; lead standard; comments by 7-28-80

45080 7-2-80 / Connecticut Implementation Plan; attainment status designations; comments by 8-1-80

43232 6-30-80 / Florida air quality surveillance plan; ambient air quality standard; comments by 7-28-80

43228 6-26-80 / Florida Implementation Plans; approval and promulgation; comments by 7-28-80

43229 6-26-80 / Massachusetts ambient monitoring network; approval and promulgation of implementation plans; comments by 7-28-80

43230 6-26-80 / New Hampshire ambient monitoring network; approval and promulgation of implementation plans; comments by 7-28-80

36099 5-29-80 / Ocean dumping; proposed designation of site; comments by 7-28-80

37466 6-3-80 / Prevention of significant deterioration for carbon monoxide, hydrocarbons, nitrogen oxides, ozone and lead (PSD Set II); comments by 7-31-80

[See also 45 FR 30068, 5-7-80]

43231 6-26-80 / Rhode Island ambient monitoring network; approval and promulgation of implementation plans; comments by 7-28-80

- 44327 7-1-80 / Virginia; ambient air quality monitoring network; comments by 7-31-80
- 43440 6-27-80 / Virginia State implementation plan; comments by 7-28-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 27794 4-24-80 / Children's television programming and advertising practices; reply comments by 8-1-80
[See also 45 FR 1981, 1-9-80]
- 40188 6-13-80 / Clarification of aeronautical enroute station rules and addition of two frequencies for use by small aircraft operating agencies; reply comments by 7-29-80
- 42622 6-25-80 / Common carriers; second computer inquiry; replies to oppositions to petitions for reconsideration by 8-1-80
[See 45 FR 31319, 5-13-80]
- 33662 5-20-80 / Comsat; authorized users of international telecommunications facilities; reply comments by 8-1-80
- 28781 4-30-80 / Deleting provisions that limit the entry of new stations into the VHF public coast station market; reply comments by 7-30-80
- 40176 6-13-80 / FM Broadcast Stations in Blytheville, Jonesboro, Paragould, Piggot, Trumann, Walnut Ridge and West Memphis, Ark.; Portageville, Mo. and Collierville, Tenn.; proposed changes in table of assignments; comments by 8-1-80
- 40181 6-13-80 / FM broadcast station in Boise, Idaho; table of assignments; comments by 8-1-80
- 40180 6-13-80 / FM broadcast station in Idaho, Falls, Idaho; table of assignments; comments by 8-1-80
- 40184 6-13-80 / FM broadcast stations in Chubbock and Pocatello, Idaho; table of assignments; comments by 8-1-80
- 40186 6-13-80 / FM broadcast station in Edenton, N.C.; changes in table of assignments; comments by 8-1-80
- 41171 6-18-80 / FM broadcast station in Hertford, N.C.; changes in table of assignments; comments by 8-1-80
- 34933 5-23-80 / FM broadcast stations in Geneva, Ohio; changes in table of assignments; reply comments by 7-28-80
- 34935 5-23-80 / FM broadcast station in Elloree, S.C.; changes in table of assignments; reply comments by 7-28-80
- 34934 5-23-80 / FM broadcast stations in Beaufort and Ridgeland, S.C.; changes in table of assignments; reply comments by 7-28-80
- 40626 6-16-80 / Increase in presunrise broadcasting service; Class II daytime only AM stations; reply comments by 7-29-80
- 26724 4-21-80 / MTS and WATS market structure; compensation for use of local telephone exchange facilities for interstate or foreign telecommunications; comments by 7-31-80
- 10606 2-15-80 / Revision of the Radio Control (R/C) Radio Service Rules in plain language; comments by 7-30-80
- 43442 6-27-80 / Swept frequency automatic vehicle identification system using microwave frequencies; comments by 7-31-80
- 42347 6-24-80 / Verification and methods of measurement of computing devices; comments by 7-31-80
- FEDERAL MARITIME COMMISSION**
- 35368 5-27-80 / Exemption of leases or arrangements solely involving terminal facilities located in foreign countries; comments by 7-28-80
- 35368 5-27-80 / Exemption of nonexclusive transshipment agreements from section 15 approval requirements; comments by 7-28-80
- 35369 5-27-80 / Exemption of tariff matter covering the movement of cargo between foreign countries either transshipment from one water carrier to another at U.S. ports or overland through the United States; comments by 7-28-80
- FEDERAL RESERVE SYSTEM**
- 44963 7-2-80 / Application by First Chicago Corporation to continue to engage in real estate advisory services and real estate appraisal services; possible rulemaking with respect thereto; comments by 8-1-80
- 41153 6-18-80 / Nonbanking activities of foreign banking organizations; comments extended to 7-31-80
- 44962 7-2-80 / Proposed required reserve balance pass-through guidelines; comments by 7-31-80
- 29702 5-5-80 / Truth in lending, revision of Regulation Z; comments by 7-31-80
- FEDERAL TRADE COMMISSION**
- 37386 6-2-80 / Full warranties; reasonable duties; publication of recommended final rule; comments by 8-1-80
- 35832 5-28-80 / Milton Bradley Co., and Binney and Smith, Inc.; consent agreements; comments by 7-28-80
- 38338 5-29-80 / Organization; general procedures, nonadjudicative procedures, and miscellaneous rules; comments by 7-28-80
- GENERAL ACCOUNTING OFFICE**
- 44954 7-2-80 / Personnel management system; comments by 8-1-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**
[See also Health, Education, and Welfare Department]
- Food and Drug Administration—**
- 35349 5-27-80 / Antacid Drug Products for Over-the-Counter Human Use; comments by 7-28-80
- 43394 6-27-80 / Canned peas and canned dry peas; standards of identity, quality, and fill of container, objections by 7-28-80
- 43391 6-27-80 / Canned pineapple; quality standard; objections by 7-28-80
- 44265 7-1-80 / Tea standards for year beginning 5-1-80 and ending 4-30-81 (final rule); comments by 7-31-80
- 36443 5-30-80 / Medicare Program; hospital insurance entitlements and benefits; comments by 7-29-80
- Social Security Administration—**
- 35838 5-28-80 / Supplemental Security Income; recovery of overpayments; comments by 7-28-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
[See also Health and Human Services Department]
- Food and Drug Administration—**
- 20666 3-28-80 / Anticaries drug product for over-the-counter human use; establishment of monograph; reply comments by 7-28-80
(Corrected at 45 FR 33650, 5-20-80)
- 20666 3-28-80 / Establishment of monograph on anticaries drug product for over-the-counter human use; reply comments by 7-28-80
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
Office of Assistant Secretary for Housing—Federal Housing Commissioner—
- 35776 5-27-80 / Annual contributions for operating subsidy; performance funding system; comments by 7-28-80
- 36840 5-30-80 / Modification of graduated payment mortgage program; comments by 7-29-80
- Fair Housing and Equal Opportunity—Office of the Assistant Secretary—**
- 31880 5-14-80 / Fair Housing Assistance Program; eligibility criteria and funding standards; comments by 7-28-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

- 36038 5-28-80 / Coatchella Valley fringe-toed lizard; reproposal of critical habitat; comments by 7-28-80
- 36332 5-29-80 / Proposal to determine "Hudsonia montana" (mountain golden-heather) to be a threatened species and to determine its critical habitat; comments by 7-28-80
- Hearings and Appeals Office—
- 35351 5-27-80 / Department hearings and appeals procedures; comments by 7-28-80
- Indian Affairs Bureau
- 43219 6-26-80 / Colorado River Irrigation Project, Arizona; revision of rates and procedures; comments by 8-1-80
- 43431 6-27-80 / Indian fishing; Hoops Valley Indian Reservation; comments by 7-28-80
- 44969 7-2-80 / Olympic National Park; hunter access routes; comments by 8-1-80
- Surface Mining and Reclamation Office—
- 43220 6-26-80 / Alabama Permanent Regulatory Program; comments by 7-28-80
- 43221 6-6 / Illinois Permanent Regulatory Program; comments by 7-30-80
- 43223 6-26-80 / Indiana Permanent Regulatory Program; comments by 7-28-80
- 44326 7-1-80 / Interim regulatory program; enforcement authority; modification; comments by 7-31-80
- 47713 7-16-80 / Missouri; permanent regulatory program; comments by 7-28-80
- [See also 45 FR 9123, 2-11-80, 45 FR 18987, 3-24-80, and 45 FR 34907, 5-23-80]
- 41160 6-18-80 / New Mexico Permanent Regulatory Program; comments by 7-28-80
- 45313 7-3-80 / Permanent program submission from State of Colorado; comments by 7-28-80
- [See also 45 FR 41969, 6-23-80]
- 46820 7-11-80 / Permanent regulatory program, availability of proposed lists of provisions in State programs based on suspended and remanded Federal rules, Ala., Col., Ind., Ky., N. Mex.; comments by 7-28-80
- 46820 7-11-80 / Permanent regulatory program, availability of proposed lists of provisions in State programs based on suspended and remanded Federal rules, Illinois; comments by 7-30-80
- INTERSTATE COMMISSION
- 39317 6-10-80 / Change of policy—railroad contract rates (standards and procedures); comments by 7-28-80
- 44351 7-1-80 / Cost standards for railroad rates; revised notice of proposed interpretation of statutory provisions; comments by 7-31-80
- JUSTICE DEPARTMENT
- Immigration and Naturalization Service—
- 37392 6-2-80 / Aliens and nationality; refugee and asylum procedures; comments on interim regulations by 7-3-80
- 43436 6-27-80 / LEA administrative review procedures; comments by 7-28-80
- Justice Assistance, Research and Statistics Office—
- 43436 6-27-80 / LEAA administrative review procedure; comments by 7-28-80
- Parole Commission—
- 44967 7-2-80 / Paroling policy guidelines; offensive behavior example; voluntary manslaughter; comments by 7-30-80

METRIC BOARD

- 65940 11-15-80 / Proposed interim private sector metric conversion planning guidelines; comments by 8-1-80

NUCLEAR REGULATORY COMMISSION

- 39856 6-12-80 / Licenses for radiography and radiation safety requirements for radiographic operations; disposal of records of pocket dosimeter; comments by 7-28-80

PERSONNEL MANAGEMENT OFFICE

- 36416 5-30-80 / Stay-in-School Program; comments by 7-29-80

TRANSPORTATION DEPARTMENT

Coast Guard—

- 40621 6-16-80 / Amendment of Regulated Navigation Areas to include portion of waters of New Haven Harbor around the Tomlinson Bridge as a Regulated Navigation Area; comments by 7-31-80
- 29072 5-1-80 / Outer continental shelf activities; comments by 7-30-80

Federal Highway Administration—

- 22120 4-3-80 / Compliance with interstate motor carrier noise emission standards; comments by 8-1-80

National Highway Traffic Safety Administration—

- 43355 6-26-80 / Anthropomorphic test dummies representing 6-month-old and 3-year-old children; comments by 7-28-80

Research and Special Programs Administration—

- 22118 4-3-80 / Transportation of natural and other gas by interior piping; comments by 8-1-80

TREASURY DEPARTMENT

Fiscal Service—

- 45658 6-27-80 / U.S. Savings Bonds Series A, B, C, D, E, F, G, H, J, and K, and U.S. savings notes (Freedom Shares); comments by 8-1-80

WAGE AND PRICE STABILITY COUNCIL

- 47052 7-11-80 / Modifications of voluntary price standards; comments by 8-1-80

Deadlines for Comments on Proposed Rules for the Week of August 3 through August 9, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 45914 7-78-80 / Plant variety protection; limits of reciprocity; comments by 8-7-80

Animal and Plant Health Inspection—

- 38036 6-6-80 / Cattle; Harry S Truman Animal Import Center; Special permits for quarantine, lottery base; comments by 8-5-80

- 38071 6-6-80 / Pesticides permitted by Department for use in treatment of livestock affected by screwworms; comments by 8-5-80

- 38024 6-6-80 / Witchweed quarantine; suppressive areas in North Carolina and South Carolina; comments by 8-5-80

Food Safety and Quality Service—

- 38064 6-6-80 / United States Standards for Condition of Food Containers; comments by 8-5-80

Rural Electrification Administration—

- 38064 6-6-80 / Acceptance tests for stored program, processor—controlled digital central offices; comments by 8-5-80

- 37454 6-3-80 / REA Bulletin 345-84, REA specification for expanded dielectric Coaxial Cable; comments by 8-4-80

CIVIL AERONAUTICS BOARD

- 42629 6-25-80 / Notice to passengers of conditions of carriage; comments by 8-4-80

- COMMERCE DEPARTMENT**
- 3715 International Trade Administration—
6-3-80 / Revision of policy on exports to Afghanistan; interim rule; comments by 8-4-80
- COMMUNITY SERVICES ADMINISTRATION**
- 37867 6-5-80 / Procurement Standards; separate business entities; comments by 8-5-80
- DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE**
- 45303 7-3-80 / Ceiling rates on interest-bearing transaction accounts; comments by 8-4-80
- ENVIRONMENTAL PROTECTION AGENCY**
- 45931 7-8-80 / Approval and promulgation of implementation plans—Massachusetts; revision; comments by 8-7-80
- 45314 7-3-80 / Approval and promulgation of nonattainment plan for Indiana; particulate emissions from iron and steel industry; comments by 8-4-80
- 45318 7-3-80 / Conditional approval of nonattainment plan for Wisconsin; particulate matter emissions from iron and steel industry; coke oven batteries; comments by 8-4-80
- 46100 7-9-80 / Registration of pesticide producing establishments, submission of reports, labeling; maintenance of records; addition of producers of active ingredients; comments by 8-8-80
- 34762 5-22-80 / Visibility protection for Federal class I areas; comments by 8-5-80
- EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
- 38083 6-6-80 / Minority Group Statistics Systems; comments by 8-5-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 43441 6-27-80 / Authorizing the Communications Satellite Corporation to provide international satellite communications services directly to the public; order extending time for filing comments and reply comments; comments by 8-8-80
[See also 45 FR 33662, 5-20-80]
- 47171 7-14-80 / Cellular mobile communications systems; reply comments by 8-4-80
[See also 45 FR 2859, 2861, 1-15-80]
- 37238 6-2-80 / FM Broadcast Service; assignment of second Class A FM channel to Indio, Calif.; reply comments by 8-7-80
- 42747 6-25-80 / FM broadcast station in Anchorage, Alaska; changes in table of assignments; comments by 8-7-80
- 42749 6-25-80 / FM broadcast station in Belfast, Maine; changes in table of assignments; comments by 8-7-80
- 37240 6-2-80 / FM Broadcast Stations in Bradford, Kane and Warren, Pa.; changes in table of assignments; reply comments by 8-7-80
- 37244 6-2-80 / FM Broadcast Stations in Cameron and Temple, Tex.; changes in table of assignments; reply comments by 8-7-80
- 42751 6-25-80 / FM broadcast station in Hanover, N.H.; changes in table of assignments; comments by 8-7-80
- 37242 6-2-80 / FM Broadcast Station in Lewistown, Pa.; changes in table of assignments; reply comments by 8-7-80
- 37243 6-2-80 / FM Broadcast Station in Mifflintown, Pa.; changes in table of assignments; reply comments by 8-7-80
- 42752 6-25-80 / FM broadcast station in Petersburg, Ind.; changes in table of assignments; comments by 8-7-80
- 42748 6-25-80 / FM broadcast station in Vincennes, Ind.; changes in table of assignments; comments by 8-7-80
- 37239 6-2-80 / FM Broadcast Station in Wilson, N.C.; changes in table of assignments; reply comments by 8-7-80
- 42727 6-25-80 / FM broadcast station in Woodward and Alva, Okla.; changes in table of assignments; comments by 8-7-80
- 32745 5-19-80 / Providing optimum conditions for utilization of New Jersey television channel assignment; comments by 8-8-80
- 42747 6-25-80 / Television broadcast stations; Delaware, New Jersey, New York and Pennsylvania; table of assignments; reply comments by 8-8-80
- FEDERAL MARITIME COMMISSION**
- 45599 7-7-80 / Applications for licensing of independent ocean freight forwarders; deletion of publication requirement; comments by 8-8-80
- FEDERAL TRADE COMMISSION**
- 39864 6-12-80 / Midland-Ross Corp., et al.; consent agreements; comment by 8-8-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**
[See also Health, Education and Welfare Department]
- Food and Drug Administration—**
- 37455 6-3-80 / Human drugs; progestational drug products; patient labeling requirements; exemption for oral dosage forms used for advanced cancer treatment; comments by 8-4-80
- Health Care Financing Administration—**
- 37466 6-3-80 / Medicaid Program; common, medicaid-medicare audit requirements for hospitals; comments by 8-4-80
- 37859 6-5-80 / Medicare and medicaid programs, prohibition against payment for less than effective drugs; comments by 8-4-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
[See also Health and Human Services Department]
- Food and Drug Administration—**
- 30002 5-6-80 / Ophthalmic Drug Products for Over-the-Counter Human Use; establishment of a monograph; comments by 8-4-80
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
Assistant Secretary for Housing Office—Federal Housing Commissioner—
- 38410 6-9-80 / Non-competitive sale of HUD-owned properties to Community Based Organizations (CBOs); comments by 8-8-80
- INTERIOR DEPARTMENT**
Office of the Secretary—
- 44972 7-2-80 / Involvement of minority and female owned business enterprises in Outer Continental Shelf; comments by 8-7-80
- INTERSTATE COMMERCE COMMISSION**
- 45526 7-3-80 / Implementation of intercorporate hauling reform legislation; comments by 8-4-80
- JUSTICE DEPARTMENT**
Justice Assistance, Research, and Statistics Office—
- 45311 7-3-80 / Procedures for implementing the National Environmental Policy Act; comments by 8-4-80
- LABOR DEPARTMENT**
Mine Safety and Health Administration—
- 38087 6-6-80 / Review of safety and health standards applicable to mental and nonmental mining and milling; comments by 8-5-80
- Pension and Welfare Benefit Programs Office—**
- 38084 6-6-80 / Proposed regulation relating to definition of "assets" of an employee development plan; comments by 8-5-80

PENSION BENEFIT GUARANTY CORPORATION

- 38415 6-9-80 / Plan benefits valuation; change in the method for setting interest rate and factors; comments by 8-8-80

PERSONNEL MANAGEMENT OFFICE

- 38061 6-6-80 / Affirmative recruitment and minority group statistics; comments by 8-5-80
- 37452 6-3-80 / Reemployment rights; individuals separated from Federal employment for specified period of service with American Institute in Taiwan; comments by 8-4-80

SECURITIES AND EXCHANGE COMMISSION

- 25080 4-14-80 / Investment Adviser Act study; issues to be considered; comments by 8-4-80
- 47160 7-14-80 / Record production obligations and record destruction and disposition rights of registered clearing agencies and the Municipal Securities Rulemaking Board; comments by 8-8-80

SMALL BUSINESS ADMINISTRATION

- 37454 6-3-80 / Business loan policy; standard method of interest computation utilized on all loans in which Agency participates on an immediate basis; comments by 8-4-80

TRANSPORTATION DEPARTMENT**Coast Guard—**

- 23425 4-7-80 / Evaluation of programs for licensing and certification of foreign tank vessel personnel; comments by 8-7-80

[Comments closing date corrected at 45 FR 25065, 4-14-80]

Office of the Secretary—

- 38423 6-9-80 / Possible relocation of the City and Borough of Juneau, Alaska and certain other panhandle communities from the Pacific time zone to the Yukon; comments by 8-8-80

TREASURY DEPARTMENT**Alcohol, Tobacco and Firearms Bureau—**

- 38258 6-6-80 / Electronic fund transfer for certain alcohol and tobacco products' excise tax payments and other provisions; comments by 8-5-80
- 38271 6-6-80 / Proposed return and deferral periods for certain tobacco products' excise tax payments; comments by 8-5-80

Foreign Assets Control Office—

- 45609 7-7-80 / Iranian assets control provisions; comments by 8-8-80

Internal Revenue Service—

- 38412 6-9-80 / Excise tax on fuel used in commercial waterway transportation; comments by 8-8-80
- 38411 6-9-80 / Manufacturers and retailers excise tax treatment for article sold tax-free for exportation under section 4221(a)(2) upon their subsequent importation into the U.S.; comments by 8-8-80

Next Weeks Meetings:**AGRICULTURE DEPARTMENT****Forest Service—**

- 46144 7-9-80 / Carson National Forest Grazing Advisory Boards, Tres Piedras, Tex. (open), 8-2-80
- 46834 7-11-80 / Uinta National Forest Grazing Board, Provo, Utah (open), 7-30-80
- 46836 7-11-80 / West Carson Grazing Advisory Board, Tres Piedras, N. Mex. (open), 8-2-80
- Office of the Secretary—
- 45933 7-8-80 / National Advisory Committee on Meat and Poultry Inspection, Washington, D.C. (open), 7-29 and 7-30-80

CIVIL RIGHTS COMMISSION

- 38426 6-9-80 / New Mexico Advisory Committee, Albuquerque, New Mexico, (open), 7-29-80
- 47179 7-14-80 / Utah, Advisory Committee, Salt Lake City, Utah (open), 7-30-80
- 47718 7-16-80 / Washington Advisory Committee, Tacoma, Wash. (open), 7-29-80

COMMERCE DEPARTMENT**International Trade Administration—**

- 45338 7-3-80 / Exporters' Textile Advisory Committee, New York, N.Y. (open), 7-29-80
- 42763 6-25-80 / Importers and Retailers Textile Advisory Committee, New York, N.Y. (open), 7-30-80
- 42783 6-25-80 / Management—Labor Textile Advisory Committee; New York, N.Y. (open), 7-30-80
- National Oceanic and Atmospheric Administration—
- 42780 6-25-80 / Gulf of Mexico and South Atlantic Fishery Management Council Scientific and Statistical Committee, Advisory Panels; Tampa, Fla. (open), 7-28 and 7-29-80
- 47180 7-14-80 / New England Fishing Management Council, Portsmouth, N.H. (open), 7-30 and 7-31-80

Office of the Secretary—

- 47719 7-16-80 / Commerce Technical Advisory Board, Woods Hole, Mass. (open), 7-31 and 8-1-80

DEFENSE DEPARTMENT**Air Force Department—**

- 39330 6-10-80 / USAF Scientific Advisory Board, Eglin AFB, Florida (open), 7-29 and 7-30-80

Navy Department—

- 46847 7-11-80 / Chief of Naval Operations Executive Panel Advisory Committee, Monterey, Calif. (closed), 7-28 and 7-29-80
- 28793 4-30-80 / Naval Discharge Review Board, San Diego, Calif.; San Francisco, Calif., 7-27 through 8-8-80
- Office of the Secretary—
- 47186 7-14-80 / Defense Science Board Task Force on the EIS for the M-X program, Arlington, Va. (closed), 7-30 and 7-31-80
- 35854 5-28-80 / Wage Committee, Washington, D.C. (closed), 7-29-80

EDUCATION DEPARTMENT

- 46848 7-11-80 / Community Education Advisory Council, San Diego, Calif. (open), 7-28 and 7-29-80
- 45941 7-8-80 / Program Effectiveness and Evaluation Committee of the National Advisory Council on Adult Education, Washington, D.C. (open), 7-28 thru 7-30-80

[See also 45 FR 41603, 6-20-80]

ENERGY DEPARTMENT

- 45941 7-8-80 / National Petroleum Council, Task Group of the Committee on Unconventional Gas Services, Vail, Colorado (open), 7-30 and 7-31-80
- 47194 7-14-80 / Research and Development Panel of the Energy Research Advisory Board, Washington, D.C. (open), 7-30 and 7-31-80
- Bonneville Power Administration—
- 43458 6-7-80 / San Juan Islands Area Service Draft Facility Location Supplement to Fiscal Year 1979 Proposed Program; environmental impact statement, Lope Island, Wash. (open), 7-29-80
- Environmental Offices
- 45995 7-8-80 / Environmental Advisory Committee, Washington, D.C. (open), 7-28 and 7-29-80

- Intergovernmental Affairs Office—
- 47232 7-14-80 / Local Government Energy Policy Advisory Committee and Subcommittees, Washington, D.C. (open), 7-30 through 8-1-80
- ENVIRONMENTAL PROTECTION AGENCY**
- 45080 7-2-80 / Connecticut Implementation Plan; attainment status designations, Hartford, Conn. (open), 7-30-80
- FEDERAL COMMUNICATION COMMISSION**
- 43249 6-28-80 / Special Committee No. 76 "Marine Advisory Committee in Preparation for the 1982 Mobile Services World Administrative Radio Conference (1982 Mobile Services WARC)", Washington, D.C. (open), 7-30-80
- FEDERAL HOME LOAN BANK BOARD**
- 43250 6-26-80 / Federal Savings and Loan Advisory Council, Washington, D.C. (open), 7-28 through 7-30-80
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 41701 6-20-80 / Meeting, Washington, D.C. (partially open), 7-31-80
- FEDERAL RESERVE SYSTEM**
- 45959 7-8-80 / Consumer Advisory Council, Washington, D.C. (open), 7-30 and 7-31-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Alcohol, Drug Abuse, and Mental Health Administration—
- 47470 7-15-80 / Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 8-1- thru 8-3-80
- Food and Drug Administration—
- 41069 6-17-80 / Cardiovascular and Renal Drugs Advisory Committee, Rockville, Md. (open), 7-31 and 8-1-80
- 41704 6-20-80 / Consumer exchange Meeting, Hauppauge, N.Y. (open), 7-28-80
- Health Resources Administration—
- 45374 7-3-80 / Graduate Medical Education National Advisory Committee, Washington, D.C. (open), 7-27 through 7-29-80
- National Institutes of Health—
- 42038 6-23-80 / Breast Cancer Task Force Committee, Bethesda, Md. (open), 7-28 and 7-29-80
- 42040 6-23-80 / Clinical Cancer Program Project and Cancer Center Support Review Committee, Bethesda, Md. (Partially open), 7-28 through 7-30-80
- 38449 6-9-80 / Maternal and Child Health Research Committee, Bethesda, Md., (partially open), 7-30 and 7-30-80
- 42039 6-23-80 / Mental Retardation Research Committee, Bethesda, Md. (open), 7-28 and 7-29-80
- 42039 6-23-80 / National Arthritis Advisory Board, Arlington, Va. (open), 7-31-80
- National Institute for Occupational Safety and Health—
- 41219 6-18-80 / Testing and Certification Program, Gaithersburg, Md. (open), 7-28 through 7-30-80
- Public Health Service—
- 46894 7-11-80 / National Center for Health Care Technology, Washington, D.C. (open), 7-28 through 7-30-80
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 47937 7-17-80 / Nebraska Sandhills Wetland habitat protection, Atkinson, Neb., (open), 8-1-80
- Land Management Bureau—
- 38152 6-8-80 / Battle Mountain District Grazing Board, Battle Mountain, Nev. (open), 7-29-80
- 42040 6-23-80 / Burley District Advisory Council, Barley, Idaho (open), 7-29 and 7-30-80
- 39956 6-12-80 / Multiple Use Advisory Council, Salmon, Idaho (open), 7-29-80
- Office of the Secretary—
- 42869 6-25-80 / Allen-Warher Valley Energy System Draft Environmental Impact Statement; Kenab, Utah (open), 7-30-80
- 42869 6-25-80 / Allen-Warher Valley Energy System Draft Environmental Impact Statement, Las Vegas, Nevada (open), 7-29-80
- 42869 6-25-80 / Allen-Warher Valley Energy System Draft Environmental Impact Statement, St. George, Utah (open), 7-31-80
- 42869 6-25-80 / Allen-Warher Valley Energy System Draft Environmental Impact Statement, Victorville, Calif (open), 7-28-80
- INTERNATIONAL COMMUNICATION AGENCY**
- 47751 7-14-80 / U.S. Advisory Commission of Public Diplomacy, Minneapolis, Minn. (open), 7-31 and 8-1-80
- JUSTICE DEPARTMENT**
- Justice Assistance, Research and Statistics Office—
- 47540 7-15-80 / National Minority Advisory Council on Criminal Justice, Washington, D.C. (open), 8-1 and 8-2-80
- NATIONAL SCIENCE FOUNDATION**
- 43288 6-26-80 / Earth Science Advisory Committee, Geochemistry and Petrology Subcommittee, Washington, D.C. (closed), 7-30 and 7-31-80
- NUCLEAR SAFETY OVERSIGHT COMMITTEE**
- 46944 7-11-80 / Meetings, Washington, D.C. (open), 7-28-80
- RADIATION POLICY COUNCIL**
- 43512 6-27-80 / Regional meeting, Denver, Colo. (open), 7-29-80
- 43512 6-27-80 / Regional Meeting; San Francisco, Calif. (open), 7-31-80
- SOCIAL SECURITY NATIONAL COMMISSION**
- 33747 5-20-80 / Meeting, Washington, D.C. (open), 8-1 and 8-2-80
- TRANSPORTATION DEPARTMENT**
- Federal Aviation Administration—
- 45595 7-7-80 / Discussion of adequacy of seat and seat restraint requirements, Washington, D.C. (open), 7-30 and 7-31-80
- TREASURY DEPARTMENT**
- 45995 7-8-80 / Debt Management Advisory Committee, Wash., D.C. (closed), 7-29 and 7-30-80
- VETERANS ADMINISTRATION**
- 46957 7-11-80 / Educational Allowances Station Committee, Cheyenne, Wyo. (open), 7-31-80
- 47561 7-15-80 / Rehabilitative Engineering Research and Development Merit Review Board, Washington, D.C. (open), 7-31 and 8-1-80
- Next Week's Public Hearings**
- AGRICULTURE DEPARTMENT**
- Agricultural Marketing Service—
- 47155 7-14-80 / Tomatoes grown in South Texas, marketing order; McAllen, Texas, 7-30-80
[Corrected at 45 FR 47846, 7-17-80]
- COMMERCE DEPARTMENT**
- National Oceanic and Atmospheric Administration—
- 44972 7-2-80 / Pacific Fishery Management Council, 7-30-80; Washington 7-31-80; Oregon 8-1-80; California
- DELAWARE RIVER BASIN COMMISSION**
- 45940 7-8-80 / Water Quality Standards, Hydroelectric Power Policy, and Water Conservation, West Trenton, New Jersey, 7-29 and 7-30-80

- ENERGY DEPARTMENT**
Economic Regulatory Administration—
- 45303 7-3-80 / Cost calculation for use of alternate fuel under Powerplant and Industrial Fuel Use Act of 1978, Washington, D.C., 7-31 and 8-1-80
- 40078 6-12-80 / Motor gasoline allocation revision, Washington, D.C., 7-28 and 7-29-80
- 45098 7-2-80 / Review and establishment of natural gas curtailment priorities;
Houston, Tex., 7-29-80
San Francisco, Calif., 7-31-80

- INTERIOR DEPARTMENT**
Surface Mining Reclamation and Enforcement Office—
- 41969 6-23-80 / Permanent program submission from State of Colorado, Denver, Colo., 7-25-80
[Corrected at 45 FR 45313, 7-3-80]

- NATIONAL TRANSPORTATION SAFETY BOARD**
- 404746 6-16-80 / Rail rapid transit safety—fire safety, emergency evacuation procedures and training, Washington, D.C., 7-28 and 7-29-80

- TRANSPORTATION DEPARTMENT**
Research and Special Programs Administration—
- 46417 7-10-80 / Hazardous wastes, identification numbers; Washington, D.C., 7-31-80

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing July 22, 1980

Documents Relating to Federal Grant Program

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

- RULES GOING INTO EFFECT**
- 48380 7-18-80 / HHS/HDSO—Grants to Indian tribes for social and nutrition services; effective 7-18-80
- 48144 7-18-80 / HHS/HDSO—Social Service programs; Administration of grants; effective 7-18-80 and 10-1-80
- 48478 7-18-80 / HHS/PHS—Grants for Community Mental Health Centers; effective 9-1-80
- DEADLINES FOR COMMENTS ON PROPOSED RULES**
- 47878 7-17-80 / HHS/CDC—Grants for preventative health services; comments by 9-2-80
- 48507 7-18-80 / HHS/PHS—Grants for Community Mental Health Centers; comments by 9-2-80
- 47654 7-16-80 / USDA/FmHA—Farm Labor Housing and Grant Program policies, procedures, and authorities; regulations; effective 7-16-80; comments by 9-15-80

- APPLICATIONS DEADLINES**
- 47187, 47188 7-19-80 / ED—Awards under the National Center for Education Statistics' Capacity Building Program for Statistical Activities in State Educational Agencies, apply by 8-15-80 (3 documents)
- 47189 7-14-80 / ED—Continuation of multi-year projects under the handicapped field initiated research program; apply by 120 days prior to end of current budget period
- 47925 7-17-80 / HHS/Secy.—Economic simulation models and use; apply by 8-15-80
- 47731 7-16-80 / HHS/HSA—Material and Child Health and Crippled Children's Services; apply by 8-15-80
- 47996 7-17-80 / Justice/NIJ—Crime control theory; apply for first cycle by 11-1-80 and for second cycle by 4-15-81

- 47998 7-17-80 / Justice/NIJ—criminal justice research and evaluation, methodological issues; apply for first cycle by 11-1-80 and for second cycle by 5-1-81

- MEETINGS**
- 47924 7-17-80 / HHS/NIH—Allergy and Infectious Diseases National Advisory Council, Subcommittee on Allergy and Immunology; cancellation of meeting in Bethesda, Md., 7-18-80
- 47923 7-17-80 / HHS/NIH—Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, Bethesda, Md. (open), 9-30-80
- 47924 7-17-80 / HHS/NIH—Biometry and Epidemiology Contract Review Committee, Bethesda, Md. (partially open), 8-14 and 8-15-80
- 47924 7-17-80 / HHS/NIH—Diabetes National Advisory Board, Alexandria, Va. (open), 9-5-80
- 47999 7-17-80 / NSF—Earth Sciences Advisory Committee, Geology Subcommittee, Golden, Colo. (closed), 8-14 and 8-15-80
- 47924 7-17-80 / HHS/NIH—National Cancer Institute, conference on carcinoembryonic antigen (CEA), Bethesda, Md. (open), 9-29 through 10-1-80
- 47924 7-17-80 / HHS/NIH—National Institute of Dental Research Programs Advisory Committee, Dental Caries Subcommittee, Bethesda, Md. (open), 9-25 and 9-25-80
- 48000 7-17-80 / NSF—Policy Research and Analysis and Science Resources Studies Advisory Committee, Technology Assessment and Risk Analysis Subcommittee, Washington, D.C. (open), 8-4-80

- OTHER ITEMS OF INTEREST**
- 48144 7-18-80 / ED—Grants to State educational agencies to meet special educational needs of migratory children; correction to final rule published 4-3-80
- 47731 7-14-80 / HEW/HSA—Maternal and Child Health Research Grants Review Committee; renewal
- 48276 7-18-80 / Justice/OJARS—Cancellation of Corrections Standards Implementation Grant programs

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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(Revised as of April 1, 1980)

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[A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Ads section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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